

Additional Report Annexed to the Parallel Report
Violating United Nations Covenant on the Civic and Political Rights in
Palestine
(Documentation Report by Lawyers for Justice)
2022- 2023

Contents

Topic	Page
Executive Summary	3
About Us	3
Forward	3
I. Introduction	4
II. Violating Right to Opinion and Right to Freedom of Expression	4
III. Violating Right to Peaceful Assembly	6
IV. Violating Right to Participate in Political Life	7
V. Violating Right to Life	10
VI. Violating Right to Physical and Mental Safety "Torture"	11
VII. Violating Right to Freedom and Safety	12
VIII. Violating Right to Litigation and Fair Trial Guarantees	14
IX. Conclusion/Recommendations	17

Executive Summary

- During the period (May 2022- May 2023), Lawyers for Justice (LJ), through its lawyers team members, followed up 497 arbitrary detention cases and other violations documented during the detention period. The follow up included observing the respect of detainees' rights as well as legal representation in front of the courts.
- 55% of the detained cases were on the background of practicing right to free opinion and freedom of expression. Among the detained cases there were some arrested for social and political critique through social media platforms. Some cases were arrested due to their political affiliation. Illegally possession of weapons and collecting fund for illegal parties, were among the repeated presented accusations to extend the interrogation, through judicial decisions.
- 26% of the documented arbitrary detained cases were not presented to any judicial authority, including those interrogated under the custody of the Governor.
- As for the collected statements regarding violating the right to physical and mental safety, 27 cases (out of the followed cases) reported violations of the given right. These statements were either given directly to LJ or declared in front of the Public Prosecution and courts.
- LJ followed up several cases detained for practicing the right to peaceful assembly where these cases mount to 19% of the followed up cases.

About Us

Lawyers for Justice started its legal and rights advocating activities in 2011 thanks to an individual initiative following the increase of human rights violations in the various governorates of the West Bank. The human rights set, at that time, was subject to rapid heavy attacks within the encroachment of the executive authority on both the legislative and judicial authorities and the absence of any monitoring of the performance of the executive authority.

LJ provides legal support for the cases whose rights are violated, by the Palestinian Security Forces, for practicing their right to freedom of opinion, right to freedom of expression, right to union/ syndicalism work, right to peaceful assembly, and political pluralism. The cases are followed up through the lawyers members of the Group in the West Bank where the provided support includes legal representation in front of the Palestinian courts and Public Prosecution, document human rights violations, and introduce detainees to their rights from the moment of interrogation and during the interrogation period as well as after release. LJ managed, through following up cases in the occupied West Bank, to document violations of human rights and share the recommendations it adopts, with the formal and legal parties, to pick attention to the violations of human rights.

Forward:

The State of Palestine is located in the heart of the world and it is a junction point between the three continents (Europe, Asia, and Africa). Palestine is part of the Arab World and Jerusalem is its capital. Palestine is characterized of multi languages, cultures, and beliefs. Palestine is the land of the divine religions and a center for major universal religious and historical attractions

Arabic is the official language in Palestine and Islam is the official religion with full respect of the other divine religions; and Islamic Sharia is the major resource of legislation. The political regime is democratic parliamentary regime based of political pluralism and the president is elected directly through democratic public elections. The government is responsible in front of both the president and the Palestinian Legislative Council. Rule of Law is the principle of governance in Palestine and all the authorities, commissions, institutions, and persons are under the sovereignty of law, as stated in the Basic Law.

As for the population, according to the latest statistics published by the Palestinian Center for Bureau of Statistics by the mid of 2022, Palestinians mount to 14.3 million persons where there are 5.35 million inside the State of Palestine (2.72 million males and 2.63 million females).

As Palestine is under the Israeli occupation, and due to occupying a large part of Palestine and the massacres committed by the occupation against Palestinians, millions of Palestinians were uprooted from their land and pushed to emigrate outside their country. Palestinians inside Palestine are distributed among the regions under the sovereignty of the Palestinian National Authority (West Bank and Gaza Strip) where the population of the West Bank counts to 3.19 million persons (1.62 million males and 1.57 million females); as for Gaza Strip, Palestinians mount to 2.17 million persons (1.10 million males and 1.07 million females).

I. Introduction:

Since 29/11/2012, the day that the State of Palestine was recognized by the UN as observatory non-member state, the Palestinian leadership acceded, with no reservations, to several international conventions and treaties including the core human rights Conventions. State of Palestine acceded to the United Nations Covenant on Civic and Political Rights (UNCCPR) on April 2, 2014. Acceding to the Covenant returns with two obligations on the State party; the first is immediate national direct obligation to localize the Covenant with the local legal set. The second obligation is international obligation where the State should submit periodical reports about the measures taken to comply with the Covenant and about the status of human rights and applied administrative and legislative procedures within this frame as well as the progress made towards protecting and maintaining human rights.

Despite acceding to the international human rights conventions and treaties, yet, there is absence of practical measures on ground to localize these instruments within the Palestinian legal set to realize maintaining and protecting the civic and political rights. There are no steps made to apply the given instruments by the law enforcement authorities in the West Bank. The latest apply oppressive means against people and violate basic human rights. There is no accountability or monitoring of these violations, which resulted in destabilization of people's safety and security and their rights were abused. The violations threatened the internal peace and community cohesion as well as threatening the separation between authorities' principle and the independence of the judicial authority.

The in-hand report covers the period May 2022 till May 2023 and it is an additional report annexed to the one submitted to the Committee on 2/5/2022. The purpose behind this report is highlighting the developments within the status of Human rights in the West Bank that LJ documented and followed up during the report period. Since its establishment, LJ focused on following up the profound violations committed by the status-quo authority in the Occupied West Bank, against human rights. The violations varied and included violating right to freedom of expression, right to freedom of opinion, right to peaceful assembly, right to participate in public affairs, right to life, torture and cruel treatment, and arbitrary detention. The violations escalated within the ongoing political stagnation and the absence of legislative and presidential elections since 2006 as well as blocking the Palestinian Legislative Council through a presidential decision.

II. Violating Right to Freedom of Opinion and Right to freedom of Expression

Since May 2022, up to the date the current report was prepared, Lawyers for Justice (LJ) followed up several cases detained and accused in front of the judicial authorities for accusations related to the freedom of opinion and right to freedom of expression. LJ affirms that violating the right to opinion and right to expression could be connected directly with violating other rights such as right to peaceful assembly and right to political and civic participation that include enrollment in syndicalism and community activities as well as political affiliation right.

Within its follow up, LJ realizes that the majority of the cases related to freedom of opinion and freedom of expression in the various governorates covered by the current report, are prosecuted by the Public Prosecution for a variety of accusations. Among these accusations is defamation of the Authority, Contempt of the Authority, Defamation of Public Authorities, Defamation of high Ranking Personnel, Offensive Speech against High Ranking Personnel, and Provoking Sectarian Strife".

LJ states that in most of the detention cases on political background, detainees are accused and investigated by the public prosecution for specific accusations. Detainees, at the same time, are investigated by the security body for accusations that differ than those mentioned in the official records. LJ documented several cases where the detainee is accused for possession of unlicensed weapons to justify maximizing the interrogation period. Likewise, the security body might investigate the same detainee for posts on social media such as Facebook. However, following are some cases the LJ documented during the report period:

1. M.S.H:

On 7/1/2023, the Protective Security Body arrested M.S.H while he was going back home from his work. He was arrested from one of the main streets of Nablus City through a checkpoint for the Protective Security. He was accused for contempt of the authority. M.S.H reported to the LJ that few hours before he was arrested, he received a call from a person close to the Security Forces, who asked him to delete a post from his Facebook page in which he criticizes the Palestinian Authority, but he refused. He added, in his statement that the person who called him used threatening tone once asked him to delete the post. Few hours after his rejection to delete the post and while he was returning home from his work, around 4:00 pm, he was surprised with a checkpoint for the Protective Security Body. In description of that, he says: "while I was returning home from work, I found a checkpoint consists of several Palestinian military vehicles. I tried to bypass the checkpoint and took a sub street but I was surprised that there was another checkpoint of other several military vehicles on this road as well. At the moment I reached them, they approached me and asked if I were M.S.H and I replied that it is me. At that moment, they pulled me out of the car and they started beating me. One of the officers told the members of the force beat me to be ready (broken) before arrival at the headquarter". According to the mentioned citizen, this order from the officer means to keep beating him till they reach the headquarter of the Protective Security in Nablus City.

While documenting his case, M.S.H added: "The Security Force beaten me while my hands were cuffed and a sack on my head to prevent me from seeing what is around. I tried to protect my face and head using my legs and cuffed hands. They continued beating me all the time and they dragged me out of the security vehicle when we reached their headquarter. All these acts were accompanied by insulting and cursing my honor and my dead mother and sisters". He adds: "I told the military medical service that I need for the medicine (Concor- Heart Pacemaker) in addition to other medicines for blood thinning, but they refused to give me these medicines". He said: "They insisted to degrade me and they deprived me of sleep for 36 hours and they informed me that I am detained under the custody of the governor and that they will kill me by causing me heart attack to look as if it wear normal death case, as my health situation might allow heart attack. During the 36 hours, they kept beating me from time to time and insisted in degrading and insulting me. On the day I was arrested, they raided my house at one o'clock after midnight in a tough way and terrorized my children (the eldest child is 11 years old only). They investigated the house savagely and confiscated the educational computer that my children use. They damaged some equipment at the house including tools used to plant flowers and a photo for martyr Nizar Banat. All these things happened without permission from the public Prosecution".

On 10/1/2023 and during the court session to discuss extending the interrogation of M.S.H, he informed the court that he was subject to torture and that was documented within the session's minutes. The court asked the detainee if he were subject to torture during the interrogation period and he replied: "I was tortured during the interrogation period at the Protective Security Body and at the moment I was arrested, I was subject to beaten and cruel treatment".

On 12/1/2023, the Magistrates Court-Nablus ruled to release M.S.H after six days of interrogation for the accusation of contempt of the authority. The Prosecutor refused to document the claims of being tortured that the detainee raised in the session during the questioning of the public prosecution, in the official record of the session.

2. M.SH-55 years old:

On 15/3/2023, the Protective Security Body in Qalqilia arrested M.SH, who is a governmental schoolteacher. He was arrested on the background of posts on his Facebook Page in which he criticized the Palestinian Authority. M.SH was accused, by the public prosecution, for degrading the Authority.

On 19/3/2023, he was referred to the court where the indictment was read. The court ruled to release him on bail after five days of interrogation. Up to date, he is being tried for the charges.

3. F.Q-33 years old

On 23/8/2021, a force from the special police unit got in the way of F.Q while he was with others walking in a street. He was subject to cruel treatment and pulled to the interrogation center in Al-Balou Area- Albireh City- Ramallah.

During the interrogation, he was investigated by the General Detective for offensive speech against high-ranking personnel as well as Provoking Sectarian Strife and other accusations. All the accusations were as a result to posts on social media (his personal Facebook Page) in which he criticized the Palestinian Authority and demanded accountability of those who murdered Nizar Banat. On 24/8/2021, F.Q was a released through a decision from the Public Prosecution without referring the file to the court.

On 21/2/2023, after a year and a half since the case was filed by the public prosecution, the first session of the trial of F.Q took place at Ramallah Magistrates Court where he was accused for the above- mentioned accusation. Since that time, there are courts sessions in sequence with no progress because the public prosecution did not present evidence to prove the accusation and the witnesses (members of the security bodies) abstain from showing up in front of the court.

4. Y.D

On 10/3/2023, a force from the General Intelligence Service-Nablus, arrested Y.D, a student at An-Najah National University, for the accusation of contempt of the Palestinian Authority because he criticized the security bodies for repression of participants in a funeral of a martyr that took place on the day he was arrested.

On 12/3/2023, Y.D was referred to the Public Prosecution in Nablus accused for contempt of the Palestinian Authority. He was interrogated for the case and later on, he was released thanks to a ruling issued by Nablus Magistrates Court, on 19/3/2023, that declared his innocence.

Y.D reported that he was tortured by the General Intelligence Service where he was subject to "Shabeh" for a day and a half (as he claimed) and such claim was documented in the investigation record by the Public Prosecution-Nablus.

III. Violating Right to Peaceful Assembly

Since the beginning of May 2022, up to the date of releasing the current report, L.J, followed up several cases of violating human rights. Among the followed cases, there were attacks of the right to peaceful assembly, which was affirmed through article 21 of the UNCCPR. In this regard, LJ documented 10 violations of the given right though it is a constitutional right confirmed within the Palestinian Basic Law and International Human Rights Law Instruments. The following 4 cases could be highlighted:

1. Suppress peaceful assemblies during celebration and reception of prisoners released from the Israeli jails. The suppression of such assemblies happened many times and looked as if it were a trend in dealing with such kind of assemblies. The suppression process included excessive use of force to disperse the participants using teargas, pepper spray, beating by blackjacks, and arbitrary shooting in air. These acts took place with the presence of crowds that included men, women, and children, several times in several cities and towns in the West Bank

2. On 20/2/2023, the security bodies suppressed a peaceful assembly that was arranged based on a call from the Unified Teachers Movement in the West Bank. The Movement called upon all teachers to participate in a central peaceful sit-in in front of the Prime Minister Office in Ramallah, to protest against rejecting the demands of the teachers who were on strike, in addition to the government's decision to disclaim from the previous agreement signed between the two parties (according to what the Movement reported).
 - The security bodies utilized several means in dealing with the Teachers Unified Movement strike and refrain from working that started on February 2023 and lasted for a month and a half. Among these means was prosecution of any teacher proved to be involved in the strike's leadership. Some teachers were summoned for investigation by the security bodies and some of them were referred to judiciary following being interrogated and illegally held custody.
 - LJ documented imposing punishments on several teachers who refrained from teaching as protest against the non- compliance to the previously signed agreements by the government that are related to the rights and demands of the teachers, such as salaries' deduction. The teachers protested against intimidation and threats to punish them where it reached the case of direct threatening and arresting of some teachers.
 - LJ documented also denying teachers access to the place of the central sit-in that the Teachers Movement called for on 20/3/2023. On that day, hundreds of teachers were denied access to Ramallah on the checkpoints that were on the entrances of the City. On these checkpoints, anyone doubted to be a teacher, was forced to get out of the vehicle that carried him/ her or to hold the cars that carry teachers to the place of the sit-in. Furthermore, the Teachers Movement accused the security bodies for closing the main road that connects the southern governorates of the west Bank with the Middle area, using a big truck that blocked the street and banned teachers from accessing Ramallah City.
3. On 8/3/2023, the security bodies suppressed the gatherings that participated in the funeral of martyr A.F.KH from Askar Refugee Camp- ablus, who was killed by the Israeli army in Jenin Refugee Camp. During the funeral in Askar-Nablus, an armed Palestinian security force used unjustifiable excessive force in suppressing the participants. The security force fired teargas and beaten the participants with blackjacks. During the suppression process, there was shooting in air in to impose control and intimidate people to disperse them and ban the usual demonstration that accompanies martyrs' funerals. As a result, to the attack, the coffin of the martyr fell down.
4. On 2/5/2023, the Palestinian Security bodies suppressed a peaceful demonstration that took place in Jenin City following declaring the death of Prisoner Khader Adnan, who was on hunger strike in the Israeli prisons for 86 days. According to some eye- witnesses, who reported to LJ, armed members of the security bodies, accompanied with other members in civil costumes, used excessive force to disperse the participants in a peaceful demonstration in Jenin. During the suppression, there was teargas and shooting in addition to arresting more than ten participants.
 - LJ followed up and documented arresting five 5 participants who were arbitrary detained for two days before being referred to the public prosecution, accusing some of them for vandalizing public properties and firing firecrackers while others were accused for illegal possession of weapons, though the seizure reports did not include any description of materials that prove the accusation.
 - Gh.S (57 years old), a political activist and critique who was arrested from the field. Gh.S was arrested and referred to an interrogation center without any justification and after a couple of days; he was referred to the public prosecution. On 2/5/2023 evening (the third day of interrogation), he was referred to Jericho Prison, known as joint investigation committee (Security Committee) with no legal justification that allows such procedure and without taking into consideration the specialization of the investigation center. Gh.S is still interrogated in Jericho Prison till the day the in- hand report was prepared.

IV. Violating Right to Participate in Public Affairs:

LJ follows up the process of trialing the accused within the case of murdering Nizar Banat where the first court session, within this case was on September 4, 2021. The case is being discussed by the military judiciary commission in Ramallah city for 14 members of the Protective Security Body being accused for the crime. The bill of charge presented by the Public Military Prosecution includes: participating in beaten to death, based on article 384/B with the pursuant of article 377/Z and article 82/A of the 1979 Revolutionary Penal Code. Additionally, the bill of charge includes accusing them to abuse of power based on article 228/F and violating the military instructions according to article 204/A of the same law.

The story started on 24/6/2021 where, according to the facts of the case and the file presented to the court (LJ managed to get a copy), in addition to the statements given by the witnesses who were with the victim at the moment the crime took place, that the house was raided by a force from the Protective Security Body. The invading force severely beaten late Nizar Banat. Beating the victim was with blackjacks and other sticks and sharp tools as well as pepper spray in his face. The raid took place at early dawn hours without permission of investigation, where they broke the door and hit the victim with a sharp tool on his head. After that, he was pulled outside the house and carried, in civil cars that the security force used and they took off his clothes. He was brutally beaten and tortured where few hours later on, his death was announced¹.

According to some available details, a security meeting was held in the premises of Hebron Governor Office, few hours before the given activist was assassinated. The meeting was attended by the heads of the security bodies in Hebron and was chaired by Hebron Governor. The meeting was attended by the head of the Protective Security Body, the head of the General Intelligence Service in Hebron, the commander of Hebron Police, and other officers. The meeting discussed a list of 15 citizens categorized as wanted for detention from the residents of Governorate including rights and political activists. On the top of the list, there was Nizar Banat who is a prominent political critique. There was an arrest warrant issued by Doura Prosecution (the area where the victim lives) to the Police to bring him, but within the meeting, it was agreed to associate arresting Banat with the Protective Security, which started following up the case. According to the mentioned warrant, the victim is accused for felony related to defamation and slander of the Authority (according to the legal description of the case) where such felony is considered simple and does not stand as threaten or risk on the public order. The accusation was based on the Jordanian Penal Code/1960 applied in the West Bank.

Since September 4, 2021 (the date of the first session within the trial) more than 40 sessions were commenced by the court for the accused group. LJ attended all the court sessions that took place in front of the Military Judiciary Authority in Ramallah to monitor the trial procedures and the respect of the fair trial standards as well as monitoring the seriousness of the trial to ensure justice for the victim and his family and friends.

The events started few months before the direct physical attack of Banat where there was direct shooting towards his house and subjecting him to calumny and direct threatening as well as character assassination that preceded the physical assassination, in addition to a series of arrest and trials that he faced.

Nizar Banat was arrested several times based on posts on his personal pages on social media. In most of the cases, he was arrested by the Protective Security and in some cases he was referred interrogated to the Joint Security Committee Interrogation Center in Jericho. In all the cases, he was released thanks to judiciary decisions as well as due to the popular protesting and pressure against arresting the late victim.

The pace of threatening against the mentioned victim increased when he decided to run for the Palestinian Legislative Council elections. He nominated himself within an independent list (Hurriya and Karama List-Freedom and Dignity List) and appeared in several protesting peaceful assemblies/demonstrations against the presidential decree (decree number 12/ 2021 dated 30/4/2022) issued by president Mamoud Abbas to

¹ All the details of this case were mentioned in the previous submitted shadow report by Lawyers for Justice Group: "Violations of the United Nations Covenant on Civic and Political Rights in Palestine"- 2/5/2022

postpone elections till unknown time. After the issuance of the given decree, there was increase in the political arrest campaigns on the background of practicing right to expression and opinion where several citizens were arrested for participating in demonstrations to protest against cancelling the elections that were scheduled to take place on 15/5/2021 according to the presidential decree 3/ 2021 issued earlier.

Although Nizar Banat appeared several times through media reporting that he is subject to serious threatening and risk on his life, especially that there was shooting towards his house while his wife and kids were there alone, yet, his complaint was not seriously investigated. He submitted the complaint to the Office of the Public Prosecutor but was not, intentionally or unintentionally, followed up. Up to date, the details of such fact are not subject to litigation or accounting.

Regarding the judicial procedures and the facts of the trial process, it is still going on in front of the Military Judiciary Authority in Ramallah since 4/9/2021. Accused persons in the case are still be litigated where the pursuant is just limited to the members of the security force that was associated with arresting the victim and killed him. There is no investigation to figure out who is the actual responsible party, or person, which issued the arrest warrantee and authorized the security force to apply the unjustified excessive force, or even killing, that accompanied the arrest act. LJ affirms that there was clear reluctant from the specialized authorities to pursue the responsible for killing Banat, which affected starting criminal investigation with those responsible for murdering a Palestinian activist. Moreover, the trial process (after a year and a half since it started), is described as unserious and farcical.

Although the Palestinian judicial authority is know to be strict in interrogating persons accused for criminal acts, for relatively long periods, yet, the military Judicial Authority took a different path in dealing with the case of killing Banat. After less than a year of the crime, the court ruled to release the accused persons based on request submitted by the military public prosecutor. Such ruling from the court raises the question about the role of the court and the level of seriousness in dealing with the case and realizing justice for Nizar Banat

Trial Procedures:

For a duration of a year and a half, LJ followed up all the trial details of those accused for killing Nizar Banat where, up to date, more than 40 court sessions were held. LJ issued several reports based on following up the case and provided several remarks about the trial and the performance of the military Public Prosecution that represents the Public Interest. LJ confirms here, based on following up the case, that the performance of the Military Pubic Prosecution is weak and so is the role of the court in applying the procedures. Such weakness is clearly manifested in transferring the decision to release the accused from the court to be associated with the Public Military Prosecutor that decided to give the accused a prolong vacation outside the interrogation center.

On a related level, LJ is aware of the pressure imposed on the witnesses in the case, by the Protective Security to control the facts of the trial and direct it in a different context. Among the practices of the Protective Security and the pressure means, the two main witnesses within the case were arrested based on malicious criminal accusation in addition to arrange arrest and raids campaigns against the witnesses during the trial process. The Protective Security arrested main witnesses including (H. B, M. B, I. B, and M. I. B) where LJ assumes that these arrests are dedicated to affect the trial process and ban uncovering the truth.

Additionally, LJ affirms that based on following up the trial process, there were more than fifteen sessions that were postponed without taking any serious measures, which will affect achieving justice, negatively.

LJ expects that the procrastination within the case would last for unknown time, especially that the accused were granted a vacation from the protective interrogation that usually the Palestinian courts, in general and military courts in particular, deal with strictly. LJ believes that early releasing of the accused group during the trial process is another indication that the court is not addressing the case seriously at the time the trial

takes place within the increase of encroachment of both the judicial and legislative authorities by the security forces and the absence of rule of law principle.

V. Violating Right to Life:

During 2022, LJ followed up several violations committed by Palestinian Security Forces against citizens. LJ considers violating right to life as one of the most risky violations, as it is against a major basic right that is categorized on the top of the rights that should be protected and maintained on all levels. LJ believes that violating right to life is the most serious violation of human rights. The Palestinian Basic Law itself affirmed protecting the right to life and so it was affirmed in the various human rights conventions and treaties including the UNCCPR (article 6) where special emphasis was on this right; and the public authorities should take all the needed measures to protect and maintain it.

Through over 2022, LJ documented several violations of the right to life as well as documenting other violations that took place during the previous years. Moreover, through over the years of its work, LJ documented several practices by the Palestinian Security Forces in the West Bank, which paved the road in front of violating the right to life.

The following are the major violations documented by LJ during the year:

1. The case of F.Y. (57 years old) who was killed during suppressing a peaceful demonstration in Nablus City on 20/9/2022. The demonstration was arranged to protest against arresting M.I and A.T, by the Palestinian Protective Security Body, due to their political activeness. F.Y was killed as a result to applying excessive force and arbitrary shooting by the Protective Security Members.
2. The case of citizen A.A, who was, critically injured as a result to being shot with several bullets fired by the Palestinian Security Forces members in Nablus, on the same day the previous mentioned citizen (F.Y) was killed (20/9/2022). A.A was participating in the peaceful demonstration against arresting M.I and A.T and he suffers from hemiplegia as a result to using excessive force by the Protective Security Force who threatened the life of the mentioned citizen and other citizens who participated in the demonstration. A.A is still under treatment up to date.
3. The case of killing the young man A.L, who died two weeks after roll-over of a car in which he was, during chasing him by the Palestinian Protective Security Force members. A.L was participating in a reception festival of a Palestinian prisoner released from the Israeli prisons. According to some eye- witnesses, the Protective Security intentionally hit the car in which the killed young man was, with a security vehicle that was chasing him, leading to roll- over the car where A.L and other three persons (who were inside the car) were injured with different types of wounds. The victim died as a result to the critical wounds and he was left bleeding in the place of the accident for more than one hour before being transferred to a hospital.
4. On March 14, 2023, LJ documented shooting towards the political prisoner "M.D" before arresting him. The mentioned citizen tried to escape from the General Intelligence Force that was intended to arrest him in Toubas City. The father reported that more than four bullets were fired targeting his son and at the moment he was caught, he was beaten by all the members of the force that arrested him.

LJ states that its lawyers documented several violations committed by the security forces against Palestinians, applying several means that represent direct threaten of people's life. The violations usually take place during arresting citizens or through torturing detainees or suppressing demonstrations and attacking peaceful political assemblies. The justification given once attacking the peaceful assemblies is to disperse the gatherings, but the applied means abuse the law and represent serious threaten on persons' lives.

VI. Violating Right to Physical and Mental Safety (Torture)

Starting by May 2022, till the day the report was prepared, LJ followed up tens of detention cases. LJ followed up these cases legally and documented several acts of torture and cruel or degrading treatment against the detainees. The level of the violations varied from a detainee to another. LJ documented the violations through direct testimonies collected from the detainees themselves, while other cases were documented through the investigation records presented in front of the Public Prosecution or during the trial sessions. The applied means of torture varied and included: Shabeh (Forcing the detainee to sit on a chair or stand while his hands or legs are tied) and deprivation of sleep. During torturing the detainees, they were subject to degrading and cruel treatment. Some detainees reported that they were subject to cruel treatment and use of excessive force at the moment they were arrested, like being dragged in the streets without any justification, or degrading and insulting of the detainee and his family. Among the cases that were subject to torture, are the following:

1. A.H

On 6/6/2022, A.H was with his pregnant wife and were surprised with a security force from the General Intelligence Service that got in their way, in Ramallah City. The security force consisted of at least 20 members. During the arrest act, he was dragged on the ground and was brutally beaten before being carried from his legs and hands to be dropped in a military vehicle. Later on, he was surprised to be detained at the General Intelligence Service-Ramallah. He was put in a narrow cell known as the closet or refrigerator with hands cuffed and eyes folded. He wasn't able neither to sit nor was he able to lay down or move due to the narrowness of the Cell. He remained held in the mentioned cell before investigation with him, by the General Intelligence, started. A.H reported that he used to be held in the given cell several times while he was naked. He remained subject to these forms of torture till he was transferred to the General Intelligence Interrogation Center in Jericho.

According to the testimony of A.H, the investigation during the first period (lasted for two days) was about an explosion of an explosive material in a carpentry owned by another person interrogated for the same case. Following transferring him to the interrogation Center in Jericho, there was a change within the direction of the investigation to be investigated about the reasons behind arresting him by the Israeli authorities in the past. Additionally, he was investigated about student activities and the elections for student council at Birzeit University when he was a student. A.H added: "The investigators asked me to sign fabricated confess that I am collaborating with the Israeli intelligence services and for that I was beaten and tied for long hours as well as being subject to various forms of torture".

- A.H reported to the prosecutor of Jericho Public Prosecution about the torture he faced. The Public Prosecutor decided to investigate the case following a statement issued by Amnesty International about the torture that the given citizen was subject to. A.H reported to the judge at the Magistrates Court-Jericho that he was subject to torture and his statement was documented within the court session minutes. According to A.H: "Cruel torture, chaining, and beaten were among the means used against me. They tried to obligate me to confess that I cooperate with the Israeli Intelligence Services". He added: "Till now, I cannot walk but depending on crutch and I take 13 kinds of medicine daily to overcome the physical impacts of the torture I faced. I am suffering problems in the back and neck as a result to the difficult circumstances in which I was interrogated". As for the applied means of torture, he says: "I was subject to cruel torture for a duration of several months. During that period, the Security Forces used to beat me with blackjacks and put cuffs in my hands and legs. Additionally, I was subject to Shabeh for hours and deprived of sleep for several days. There was heavy pressure imposed on me during the time I was in the investigation". He added: "I was tortured to the degree I decided to commit suicide to get rid of that and I reported about this to the Independent Commission of Human Rights.

The Investigators in Jericho Interrogation Center asked me not to report about the torture I faced, to the international organizations that visited me”.

The criminal Court in Ramallah ruled to release A.H on 9/10/2022 after five months of interrogation that included a period of 47 days on hunger strike. The day the court ruled to release him, he was in Palestine Medical Complex, to which he was referred due to the deterioration within his health conditions as he was on hunger strike after he passed through a tough period of torture.

2. B.F:

On 13/12/2022, the General Intelligence Service-Ramallah, arrested B.F within an arrest campaign that targeted several citizens on the background of their political affiliation. He remained interrogated without being presented to any judicial body till 22/12/2023. On that day, the General Intelligence Service referred him to the Public Prosecution in Ramallah to be investigated. Ramallah Public Prosecution started investigating the given citizen and extended his interrogation till 8/1/2023. After that there was a decision to release him but the General Intelligence Service refused to implement the decision and referred him once again to the Public Prosecution for a new accusation, which is raising and receiving fund for an illegal association. He remained interrogated till 17/1/2023 where a ruling from Ramallah Magistrates Court was issued to release him. However, the General Intelligence Service did not comply with the court's ruling and refused to release him. B.F remained interrogated despite several decisions to release him and remained interrogated under the custody of Ramallah Governor till 31/1/2023.

In his statement in front of Ramallah Magistrates Court on 9/1/2023 and in response to a question about the forms of torture he faced and whether he was subject to cruel treatment or not, B.F replied that the scars resulting from the handcuffs are well noticed on his hands. He added that he was brutally beaten with plastic pipes in addition to being degraded and shouted at him at the moment he was arrested but there are no other signs of torture on his body. The court noted that there is skin redness on his wrists and noted also that he does not suffer any other diseases.

On 31/1/2023, the General Intelligence Service-Ramallah, released B.F following 48 days in custody accused for possession of a weapon and collecting money for an illegal association. Additionally, he was interrogated under the custody of the Governor without accusation. LJ affirms that “no weapons or money were seized within the case and it was decided to file the case as there were no evidence to prove the accusation.

3. M.J.A.R:

On 7/4/2023 at early morning hours, a joint security force conducted an arrest campaign in Til Village-Nablus. M.J.A.R was among those arrested persons from the village alongside with five persons from his relatives (B.H, O.H, H.A.R, M.R, M.H). Pepper spray was sprayed in the faces of the mentioned prisoners at the moment they were arrested. The contents of their houses were damaged and their families were insulted and attacked using pepper spray. The detainees were interrogated at the interrogation center of the Protective Security Body-Nablus.

All the above- mentioned detainees reported that they were subject to torture and cruel treatment. They were beaten and chained for hours in the interrogation center. On 18/1/2023, the Magistrates Court-Nablus, decided to release them on bail.

VII. Violating Right to Liberty and Security

Since submitting the parallel Report on May 2022, up to date, LJ documented several cases of arbitrary detention. There are cases of detention under the custody of the governor that is administrative detention where arresting is based on a decision from the governor. The governor refers to the so- called law “Crimes Prevention Law-1954, which is a Jordanian Law applied in the West Bank” that authorizes the governor to detain persons administratively.

LJ had always affirmed that administrative detention, utilized by the Palestinian Authority as an oppressive tool, is an illegal act, especially when it comes to the persons detained under the custody of the Governor. Those detainees are usually arrested for expressing opinions or for political affiliation as well as any other reason. The acts, for which persons are administratively detained, are not criminalized by any applied law. In the light of the increasing criticism of such kind of detention, which, violates the judicial procedures and put them aside and substitutes them by some articles from the Crime Prevention Law; and in the light of an appeal lodged by one of the legal organizations to the Constitutional Court, the given court ruled, recently, to repeal the articles of the Crime Prevention Law that authorize the Governor to detain any person under his/ her custody regardless of the accusation.

LJ affirms that repealing the articles of the Crime Prevention Law and withdrawing the powers of the Governor to administratively detain persons, is a step on the right track. Such step would contribute to stress the respect of fair trial guarantees for persons deprived of such right once they are administratively detained. Additionally, it would contribute to stop arbitrariness detention of persons without the monitoring of the judicial authority, which is the sole party associated with ensuring fair trial guarantees and the rights of persons deprived of liberty.

Following a group of cases that were documented and followed up by LJ for the period May 2022 up to the moment, the in- hand report was prepared:

1. M.A

M.A was arrested on 1/9/2022 by the Palestinian Security Forces in Nablus and then was referred as interrogated detainee to the Interrogation Center of the Joint Security Committee-Jericho. Three judicial decisions to release M.A were issued by the Magistrates Court-Nablus while a fourth decision was issued by Jericho Magistrates Court. M.A is detained for the same accusations and facts of the case that are all political and the purpose is to keep him under detention for the longest possible period.

LJ states that M.A was interrogated under the custody of Nablus Governor after a decision to release him was issued in the fourth case that was discussed by Jericho Magistrates Court, where he spent more than 3 months in the prison under the custody of the Governor. He was finally released on 12/2/2023 after 168 days of interrogation, during which he was on hunger strike for several days.

2. A.A.S:

Arrested by the Protective Security Force on 10/9/2022 following a raid of his work place in Nablus. The Magistrates Court-Nablus ruled on 21/9/2022 to release him on bail. The Security Forces, in a civil car, got in his way (close to Jneid Prison) and re-arrested him and was referred to the Interrogation Center of the Joint Security Committee-Jericho.

A.A.S obtained several judiciary decisions to release him where the last decision was on 13/10/2022 but the Security Forces refused to implement the decision because the detainee was referred to administrative detention under the custody of the Governor. On 31/1/2023, he was finally released after 5 months of interrogation including three months and a half of interrogation under the custody of the Governor.

3. M.I

M.I was arrested by the Protective Security Force-Nablus on 20/9/2022 while he was in the downtown of the city. He was referred to be interrogated at the interrogation Center of the Joint Security Committee in Jericho. He was presented to the public prosecution-Jericho that decided to extend his interrogation for a variety of durations, through decisions issued by the Magistrates Court-Jericho. Finally, the given court ruled to release him on 4/10/2022, a ruling that was upheld by the Court of Appeal

On 4/10/2022 following the Court's decision to release him, the Governor of Nablus issued a decision of administrative detention against him where he remained interrogated under the custody of the Governor. Since that time, M.I is in the Protective Security Prison despite the deterioration of his health circumstances and despite the decision issued by the administrative court, on 13/2/2023, to revoke the interrogation and release the detainee immediately.

Up to the date of the report, M.I is still interrogated under the custody of the Governor. Although the Magistrates Court, Court of Appeal, and the Administrative Court ruled to release him, but none of these decisions was implemented. Not only that, but also although the Constitutional Court ruled, on 2/2/2023, to repeal the articles of "Crime Prevention Law" that authorizes the Governor to detain a person administratively, yet, M.I is still interrogated though the law referred to in interrogating him is unconstitutional and contradicts with the Palestinian Basic Law.

4. A.H:

On 13/10/2022, A.H was arrested by the General Intelligence Service-Nablus and was referred to the Public Prosecution and the Magistrates Court in the City where his interrogation was extended. After that, he was referred to be interrogated at the Interrogation Center of the Joint Security Committee-Jericho. After thirty days in Jericho Interrogation Center, he was transferred back to Jneid Interrogation Center-Nablus.

On 23/10/2022, the Magistrates Court-Nablus ruled to release him, but there was a decision, issued in parallel by Nablus Governor, to arrest him administratively under the custody of the Governor. After 80 days of interrogation, on 28/12/2022, he was finally released.

LJ, indicates that administrative detention under the custody of the Governor, reached its peak during 2022/2023 where tens of cases were documented. LJ documented tens of cases being interrogated under the custody of the Governor. LJ affirms that the Security bodies utilize administrative detention and detention under the custody of the Governor recently, as alternative to applying the judicial procedures, especially after there were rulings from the courts to release the detainees.

Although there was a ruling from the Constitutional Court to repeal the article of the Jordanian Law "Crimes Prevention Law" applied in the occupied West Bank on which it is depended to interrogate persons under the custody of the Governor because this law contradicts with the Basic Law, yet, the Security Bodies continue interrogating persons for the same accusations and facts of the cases for a variety of durations to extend the interrogation period for the maximum. These practices take place with coverage from the Public Prosecution and Magistrates Courts.

VIII. Violating Right to Litigation and Fair Trial Guarantees:

LJ followed up during the period May 2022, up to the day the report was prepared, several cases that could be categorized as violating the right to litigation and fair trial guarantees that were affirmed through article 14 of the UNCCPR. The given right is classified as core right that should be guaranteed for all citizens to achieve the Prompt Justice.

Through over the years of work, LJ documented many violations of the right to litigation and violations of Fair Trial Standards. The violations took place against persons arrested for practicing constitutional rights such as right to freedom of opinion and freedom of expression (protected by the Palestinian Basic Law); or against persons summoned to show up in front of the Security Bodies with no legal reference. During the period covered within the report, LJ documented tens of cases where right to litigation and Fair Trial Standards are violated and such violations are increasing rapidly.

The encroachment of the executive authority on both the legislative and judicial authorities, is among the core reasons for the ongoing violations. At the same time, it enhances the tendency of the security forces to dominate the role of the judicial authority in dealing with the cases that the trial procedures are not complete. The reason for such tendency among the security forces is rooted in the fact that there are no real reasons behind the detention and there are no legal basis for most of the detention cases. The actual reason behind the interrogation in many cases is just the show and terrorizing but not applying the law and ensuring the rule of law principle within the community. Palestinian Authority keeps pretending that the judicial Authority is independent based on the indication that the final judiciary decision in most of these cases is that the accused is innocent. However, there is another opinion that sees the independence of the judicial authority from a different perception that starts from the first second of interrogating persons including the way persons are interrogated. According to this opinion, there is no respect of the procedures of interrogating persons and to which degree the rights of interrogated persons are respected at the moment of interrogation and during the interrogation period as well as after the interrogated is released and remedy for unjustified interrogation periods.

It is possible to state here that the fair trial guarantees are missed and they receive zero respect from the executive authorities. In both the formal and substantive aspects, arrest is arbitrary with no justifications. There is no respect for the power of the Public Prosecution, which itself abandoned its role and within the trial process, its role became to justify the arrogance detention cases. The Public Prosecution lost its role as honest opponent and the courts lost their power in imposing their control and monitoring applying the law and maintaining human rights and so they became bias and part of the oppressive system.

LJ is concerned about the actual role of the judicial authority especially during the early stages of interrogation and trial as the importance of the trials is not equal to the importance of evaluating the judicial authority and public prosecution during the first phase of interrogation. Both the judicial authority and public prosecution should protect the interrogated against oppression, torture, or cruel treatment. Additionally, the right of the interrogated to be presented to the appropriate court should be protected and accelerating the process of issuing judiciary decision regarding the case. The judicial authority should monitor the investigation procedures and ensure that the interrogation is just an exceptional procedure. Moreover, the court should ensure that releasing decisions are implemented and following that, the judicial authority should ensure the rulings of innocence and remedy for those interrogated illegally and their rights are violated as well as being tortured.

Within discussing the right to litigation, following are some of the cases that LJ followed up during the report period:

1. M. A-22 years old

Was arrested on 22/12/2022 by members from the Protective Security in Nablus and was referred to the Public Prosecution to be investigated for illegally possession of weapons and the Public Prosecution decided to extend his interrogation.

M.A remained interrogated for 90 days on the background of the case, before a decision to release him was issued on 15/3/2023. However, the Protective Security refrained from implementing the decision and he was referred once again to the Public Prosecution to be investigated once again for the same facts of the case. The Public Prosecution addressed the Magistrates Court-Nablus to extend his interrogation where

the Court extended the interrogation and the Public Prosecution re-investigated him for the same facts of the case without any legal reference

On 16/3/2023, M.A was interrogated under another case and the Magistrates Court-Nablus extended his interrogation for another 15 days before the court ruled to release him on 18/5/2023 after 5 months of interrogation.

Despite the long interrogation period, M.A was not informed of any bill of charge but the Public Prosecution-Nablus made it enough to interrogate him on remand, based on the request of the Protective Security without referring the file to any court to obtain a judiciary decision regarding his case.

2. Q.A-14 years old

On 4/5/2023, the General Intelligence Service-Hebron, arrested juvenile Q.A from his house in Beit Ummary Town, at dawn (2:00 am). He was transferred to the headquarter of the General Intelligence Service where he was investigated for participating in the reception arranged for his brother who was released from the Israeli prisons. He was investigated about the resource of the flags that were hanged in the place of the reception, without the presence of a lawyer or a counsellor from the child protection unit. Q.A. was referred to the Public Prosecution but no accusation was presented for him. The chairperson of the Public Prosecution decided to present him to a special medical committee to check him and then was presented to Halhoul Juvenile Court to extend his interrogation. Q.A reported to his family and also to the court that he was subject to torture and cruel treatment. The court previewed the Juvenile and discovered that there were signs of cyanosis behind his left ear and when the court asked him about the source of that, he said that he was beaten at the headquarter of the General Intelligence Service. He added that they chained his hands behind his back and beaten him on his head. On 4/5/2023, the court ruled to release Q.A and hand him to his family, yet, the General Intelligence Service abstained from implementing the judiciary decision on the day it was issued, but was implemented on 6/5/2023 where Q.A was finally released.

On 19/5/2023, through a statement given by the sister of Q.A, she reported that the General Intelligence Service re- arrested her brother. She reported that a vehicle from the security forces got in the way of the family while they were in their car and they asked them about the elder son who was released from the Israeli prisons. The Security Force informed the family that Q.A is wanted for interview and when the family asked to present summon warrantee, they showed the family a copy of a warrantee on a mobile, but from far distance without giving the family the chance to check it. The Security Force asked the family to hand them the minor Q.A to be investigated for no more than 5 minutes, as they said. The family approached the headquarter of the General Intelligence Service with Q.A to attend the investigation with him and to ensure that he would not be arrested. However, members of the security force attacked the father and thrown him on ground and caught Q, where he was held custody far from the family and the family was held in the headquarter of the General Intelligence Service for four hours.

The next day, the family contacted the counsellor at the child protection unit and the counsellor contacted the Public Prosecution in Halhoul City, where the latest reported that they have no idea about the case and that there had never been an arrest warrantee against Q.A

3. M.Q-53 years old

On 11/5/2023, M.Q was arrested by the General Intelligence Service in Ramallah City accused for illegal possession of weapons. He remained interrogated for 4 days where he was subject to torture and cruel treatment. On 15/5/2023, he was presented to the Public Prosecution that referred him to the Magistrates Court-Ramallah requesting to extend his interrogation

On 16/5/2023, the court ruled to release him on bail (1000 JOD). The General Intelligence Service refused to implement the decision and kept him interrogated with no legal justification. The General Intelligence Service accused M.Q for a new accusation that is collecting and receiving funds from illegal resources, aiming at keeping him interrogated. He was presented once again to the Public Prosecution as

circumvention of the legal procedures and up to date (the day the report was prepared) he is still interrogated.

IX. Conclusion and Recommendations:

Lawyers for Justice notice that the status of human rights in the West Bank (the geographical area covered by the report) is still in a recession situation despite the great efforts invested by human rights/ legal institutions and human rights defenders to protect public freedoms and rights. Despite all these significant efforts, yet, violations are increasing yearly as a result to the encroachment of the executive authority (through its security arms) on both the legislative and judicial authorities.

The systematic violations of public freedoms and rights stand as a real source of concern and they should end immediately to ensure protecting human rights and the virtues/values of democracy and to ensure establishing the state of law and institutions. Hence, LJ proposes the following recommendations:

1. The President of the Palestinian Authority and the Prime minister should declare clear position regarding the necessity to respect and mainstream human rights within the Palestinian context. There should be clear measures taken to protect human rights and account the perpetrators of the violations or those involved in violating human rights and not to limit their role (the president and the Prime Minister) just for statements through public media. They should take measures on ground and the president should stop issuing the law- decrees that violate human rights.
2. We urge the Palestinian Authority to arrange legislative elections to form a Legislative +Institution to perform its legislative and monitoring role. To work immediately on revocation of the old legislation (applicable till now) that violate human rights. Basically, there is a need to cancel “Crimes Prevention Law- 7/1954” and amend the so- far issued laws to accord with the international conventions and treaties, especially the UNCCPR, to ensure comply with it. Additionally, issue new legal set that fully respects and protects human rights.
3. We recommend respecting the principle of separation between authorities and respecting the independence of the judicial authority and ensure that there is no interference with the work of the judicial authority to guarantee right to litigation and protecting the public freedoms and rights against any violation. We recommend also respecting the principles of fair trial for all citizens
4. The necessity to implement the judiciary decisions issued by the courts and comply with the Criminal Procedures Law 3/2001, especially regarding the interrogation period.
5. The Public Prosecution should deal seriously with the claims of interrogated persons in case reporting that they were tortured and lodge cases against the perpetrators
6. Facilitate for lawyers to meet with their clients and declare the places of interrogation as well as facilitate obtaining the required authorization from detainees to be able to start the legal procedures.