



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Initial report submitted by the State of Palestine  
under article 19 of the Convention, due in 2015\***

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\* The present document is being issued without formal editing.



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## Part I. General information

### A. Introduction

1. This report, which is the official initial report for the State of Palestine, was prepared in accordance with obligations arising under article 19 of the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment. The State of Palestine acceded to the Convention, without any reservations, on 1 April 2014. It has also acceded to numerous other conventions and treaties on human rights and international humanitarian law that also prohibit all forms of torture.

2. During the preparation of this and other treaty body reports due for submission, the Government of the State of Palestine provided a sound constitutional, legislative and procedural environment in line with the Committee's general comment No. 2 of 2002 on the establishment of national institutions to facilitate the implementation of the Conventions. On 7 May 2014, the President of the State of Palestine, Mahmoud Abbas, issued a decree on the formation of a standing national committee at the ministerial level to follow up on the accession by the State of Palestine to those international conventions and treaties. The committee is chaired by the Ministry of Foreign Affairs and Migrants and its members are drawn from other ministries and competent government institutions. The Independent Commission for Human Rights acts as an observer to monitor the fulfilment of obligations arising from accession to the treaties in question. Moreover, a committee was set up in 2017 to harmonize existing legislation with international treaties and conventions. It is chaired by the Ministry of Justice and composed of members from the competent government institutions and civil society organizations. Its mandate is to review legislation and the compatibility of its provisions with those of international conventions to which the State of Palestine has acceded.

3. After acceding to the human rights conventions, the State of Palestine adopted a national policy agenda for the period 2017–2022 and announced its commitment to the United Nations 2030 Agenda for Sustainable Development. Those commitments have been incorporated into the national policy agenda out of a sense of duty to the Palestinian people and in order to guarantee their fundamental freedoms and human rights, justice and equality, as well as providing opportunities for and protecting marginalized groups.

4. On 28 December 2017, the State of Palestine signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, demonstrating the seriousness of its political will to prevent torture and ensure accountability in that regard. It is one of the most important steps taken by the State of Palestine since its accession to the United Nations human rights treaties in 2014. Thereafter, the Palestinian Government announced its commitment to establishing an independent national preventive mechanism for the prevention of torture, as stipulated by the Optional Protocol. The core mandate of the mechanism will be to visit all places of detention in order to prevent torture and ensure that living and health conditions in them are proper, and to coordinate with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The State of Palestine is currently working with national and international partners, including Palestinian civil society organizations, to set up the mechanism.

5. This report was prepared by a committee of government institutions formed at the behest of the standing national committee and chaired by the Ministry of Interior. Its members were drawn from the Ministry of Justice, the Office of the Public Prosecutor, the Commission on Detainees Affairs, the Ministry of Social Development, the Ministry of Health, the Military Justice Commission and the Supreme Judicial Council.

6. In preparing the report, the committee benefited from information and reports provided by civil society organizations working in related areas. As part of its ongoing cooperation with those organizations, the committee also held two national consultation sessions to present and discuss the report in the West Bank and the Gaza Strip. The latter had to be held because participating organizations encountered difficulties in travelling from the Gaza Strip owing to discriminatory measures taken by the occupying Israeli

authorities. The committee used the comments of those organizations to enrich and amend the report.

7. The report contains a general overview and a detailed picture of the existing national laws and regulations in the State of Palestine relating to the implementation of the provisions of the Convention. It also contains data, information and statistics regarding efforts at the national level to stop torture and inhuman and degrading treatment.

8. The legal situation and reality on the ground in the Gaza Strip are also examined in the report. Since they imposed a stringent and unlawful blockade in 2007, the occupying Israeli authorities have increasingly detached Gaza, which is an integral part of the territory of the State of Palestine, from its natural anchorage. To this day, they have continued to subject it to measures that flout international law, repeated aggression and unrelenting collective punishment. They have split the Palestinian people demographically, curtailing freedom of movement and contact between the West Bank, including East Jerusalem, and the Gaza Strip, in direct, systematic and broad violation of the human rights of all Palestinians. At the same time, Israel, the occupying Power, has targeted the institutions of the State of Palestine and its officials, thereby limiting its capacity to meet its obligations and responsibilities to the people with a sufficiently high degree of professionalism and effectiveness. Violations by occupying forces against the security authorities are set forth in an accompanying table.

9. In mid-2007, the Hamas movement led a coup d'état in the Gaza Strip by, the most serious consequence of which has been to split the Palestinian political system. The Gaza Strip is legally subject to the authority of the State of Palestine and the actions taken by Hamas there since that time are inadmissible and illegal in the eyes of the Government of the State of Palestine. This has been underlined repeatedly in statements by the President of the State of Palestine, numerous government officials, faction heads and civil society leaders.

10. Violations of the Convention by Israel, the occupying Power, are also addressed in the report. Since occupying Palestinian territory in 1967, it has systematically violated the human rights of Palestinians on a large scale. The living conditions of Palestinian detainees held in the prisons of the Israeli occupiers are addressed, with supplementary data and statistics on the racist policy pursued by the occupying Israeli authorities in their torture and inhuman treatment of those detainees. The information contained in the report regarding the systematic violations by Israel, the occupying Power, must be seen in the light of its legal and moral responsibility and international obligations vis-à-vis the Palestinian people, who have been subjected to its colonial authority and are afflicted by its repressive and arbitrary practices, and the need for legal accountability. One of its greatest obligations, as a party to the Convention, is to ensure that people it has subjugated are not tortured. The violations by the occupying Israeli authorities include even the refusal to release the bodies of Palestinian martyrs, which amounts to collective punishment and a violation of the Convention. Moreover, Israel, the occupying Power, continually places obstacles in the way of the State of Palestine, thus preventing it from developing its justice and security sector.

11. The State of Palestine wishes to stress that the submission of this report does not absolve Israel, the occupying Power, of its legal responsibility under international law, in particular international humanitarian law and human rights law. That includes its obligation to uphold the provisions of the Convention and submit a report on its compliance with those provisions in the Occupied Palestinian Territory, including East Jerusalem. That obligation is alluded to in the advisory opinion of the International Court of Justice, issued in 2004, on the legal consequences of the construction of a wall in the Occupied Palestinian Territory.

## **B. Legal framework**

12. The State of Palestine declared its commitment to abide by the principles and purposes of the United Nations and its Charter and the Universal Declaration of Human Rights in the Palestinian Declaration of Independence, issued in 1988 by the Palestinian National Council. The Declaration also served to announce the creation of the State of

Palestine as a free and independent State based on the principle of full equality of rights and freedoms among all Palestinians, wherever they might be, within a democratic parliamentary system based on principles of social justice, equality and non-discrimination in public rights. The Declaration of Independence thereby also served to set forth the intention of the State of Palestine to adhere to the human rights system as enshrined in international treaties and conventions, including the Convention against Torture, and, in order to safeguard that commitment, laid the groundwork for a legal system rooted in the rule of law and an independent judiciary.

13. Torture and maltreatment are explicitly prohibited under the Amended Basic Law of 2003, as further amended (art. 13).<sup>1</sup> A range of other guarantees to ensure the right of persons to be protected from torture and the commitment of the State of Palestine to prevent it are also set forth, specifically in article 11.<sup>2</sup>

14. Torture is prohibited under the criminal, procedural, security and administrative laws of Palestine. Perpetrators of torture are subject to criminal penalties such as imprisonment and fines and/or disciplinary penalties ranging up to dismissal from service. Key legislation in this regard includes: the Jordanian Criminal Code No. 16 of 1960, in force in the West Bank; the British Mandate-era Criminal Code (No. 74 of 1936), in force in the Gaza Strip; the Palestine Liberation Organization Revolutionary Criminal Code of 1979, in force in the West Bank and the Gaza Strip; the Military Code of Criminal Procedure of 1979; the Palestinian Code of Criminal Procedure (No. 3 of 2001); the Correctional and Rehabilitation Centres Act (No. 6 of 1998); the Palestinian Security Forces Service Act (No. 8 of 2005), the Decree-Law of 2016 on the protection of juveniles and other laws to which reference is made throughout the report.

15. With regard to measures and policies relating to the prohibition of torture and other forms of cruel, inhuman and degrading treatment, on 14 May 2013 (prior to accession to the Convention), the President of the State of Palestine issued instructions prohibiting any form of torture and all practices that violate human rights and dignity to all bodies authorized to carry out arrests, detention and investigations. He also stressed the need for measures to develop monitoring tools and make them operational in order to ensure the application of those instructions and laws on human rights and the prohibition of torture and inhuman treatment.

16. On 19 April 2010, the Director-General of Police issued circular No. 6 of 2010 on refraining from the use of violence, torture and all forms of cruel and degrading treatment in dealings with the public. In 2011, the Ministry of the Interior issued a rule book governing the use of force and firearms by members of the Palestinian security forces. Similarly, under the code of ethics and public conduct for members of the Palestinian security forces, which was approved by the President of the State of Palestine on 26 February 2018, the use of violence, torture and all forms of cruel and degrading treatment in their dealings with the public is prohibited; the definition of torture contained in the Convention was adopted in the code. The Ministry of the Interior has held numerous training courses on the subject to raise awareness among security personnel, including those who carry out arrests and administer detention in places of deprivation of liberty, of human rights and about combating torture on the basis of the aforementioned codes and other guidelines developed by the Ministry.

<sup>1</sup> Article 13 stipulates that: 1. No one shall be subjected to any form of coercion or torture. Defendants and persons deprived of their liberty shall be treated with dignity. 2. Any statement or confession provided in violation of the provisions of paragraph 1 of this article shall be null and void.

<sup>2</sup> Article 11 stipulates that: Personal freedom is an inalienable, guaranteed natural right, and no one may be arrested, searched, detained or have any restriction or prohibition placed on his or her freedom of movement, except by a warrant issued by a court in accordance with the law. The duration of pretrial detention is determined by the law and no one may be detained or imprisoned in places other than those subject to the laws regulating prisons.

## Part II. Articles of the Convention

### Article 1

#### Definition of the offence of torture

17. Torture is not defined as a crime in the legislation in force in the State of Palestine, under which it is merely classed as a misdemeanour and not a felony. This is set forth in article 208 of the Jordanian Criminal Code,<sup>3</sup> article 108 of the British Mandate-era Criminal Code<sup>4</sup> and article 280 of the Revolutionary Criminal Code.<sup>5</sup> Under article 7 of the Decree-Law of 2016 on the protection of juveniles, it is prohibited to subject juveniles to physical or mental torture, cruel and degrading punishment or treatment, or such that is demeaning to human dignity. In a similar vein, torturing inmates and using lewd language with them is prohibited under articles 37 and 40 of the Correctional and Rehabilitation Centres Act, which stipulate that prisoners must not be subjected to public vilification or poor ventilation and lighting conditions while being transported.

### Article 2 (para. 1)

#### Measures necessary to prevent torture

18. The laws in force contain numerous safeguards and measures aimed at preventing acts of torture or other forms of cruel, inhuman or degrading treatment and punishment, ensuring that their perpetrators do not go unpunished, overseeing places of detention and correctional and rehabilitation facilities, and setting forth the terms and conditions for arrest and detention. Under the Basic Law, no one may be arrested, searched, detained or have any restriction or prohibition placed on his or her freedom of movement, except by a warrant issued by a court. No one may be detained or imprisoned in places other than those designated for that purpose in article 11 (para. 2). Under article 105 of the Code of Criminal Procedure, the duration of pretrial detention may not exceed 24 hours. The director of the centre or place of detention must hand over the accused to the Office of the Public Prosecutor for investigation within 24 hours. After questioning, the Prosecutor may detain the accused for 48 hours where so determined by the courts in accordance with the law. Under articles 99 and 100 of the Code, the Prosecutor has the obligation to perform a physical examination of the accused and officially record any visible injuries and their causes.

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<sup>3</sup> Article 208 of the Jordanian Criminal Code provides that: 1. Anyone who subjects a person to any form of violence or force for the purpose of obtaining a confession of an offence or information pertaining thereto shall be liable to imprisonment for a term of between three months and three years. 2. Where such acts of violence or force cause illness or injury, the penalty shall be imprisonment for a term of between six months and three years, unless such acts warrant a more severe penalty.

<sup>4</sup> Article 108 of the British Mandate-era Criminal Code provides that any person employed in the public service who subjects or orders the subjection of any person to force or violence for the purpose of extorting from him or from any member of his family confession of an offence or any information relating to an offence, is guilty of a misdemeanour. Crimes are divided into categories by their degree of gravity:

1. Felony: this is the most serious type of offence and is punishable under the law by the death penalty, hard labour for life or a shorter term, or imprisonment for a term of not less than three years;
2. Misdemeanour: less serious than a felony, it is punishable under the law by imprisonment for a term not exceeding three years, a fine, or both, depending on the nature of the offence;
3. Contravention: the simplest and most minor type of offence, it is punishable under the law by imprisonment for a term of 1 to 10 days and a fine.

<sup>5</sup> Article 280 provides that: (a) Anyone who subjects a person to illegal acts of violence with a view to obtaining from him or her a confession to an offence or information pertaining thereto shall be liable to imprisonment for a term of not less than three months; (b) Where such acts of violence cause illness or wounds, imprisonment shall be for a term of not less than six months; (c) Where torture causes death, the penalty shall be imprisonment with hard labour for a term of not less than five years.

19. Under article 7 of the Correctional and Rehabilitation Centres Act, any person who is detained or arrested or has restrictions otherwise placed on their liberty in accordance with the law shall be held in a place of detention designated for that purpose by decision of the Minister of the Interior. He or she shall be informed of the reasons for their arrest, the charges against them, their right to appoint defence counsel for the duration of proceedings and their right to contact family members. The article underscores the legal principle of the presumption of innocence until the accused's guilt is established in a definitive ruling handed down in a trial held in accordance with the legal procedures, as set forth in article 14 of the Basic Law.

20. Article 13 of the General Intelligence Service Act (No. 17 of 2005) and article 8 of Decree-Law No. 11 of 2007 on preventive security contain general provisions stipulating the obligation to uphold the rights, freedoms and legal safeguards provided for in Palestinian legislation and international treaties, including the right to physical integrity and freedom from torture and inhuman and degrading treatment.

### **Article 2 (para. 2) Provisions in cases of necessity and emergency situations**

21. Under the Amended Basic Law (art. 110, para. 1), threats to national security arising from war, invasion, armed insurrection or natural disaster constitute states of emergency. Article 111 stipulates that no restrictions may be imposed on fundamental rights and freedoms except where necessary in order to achieve the aim stated in the decree declaring the state of emergency. In other words, any arrest or detention carried out under a state of emergency is reviewed by the Office of the Public Prosecutor or the competent court within 15 days of the date of arrest. The person arrested has the right to appoint counsel of his or her choice.

22. In 2007, the President of the State of Palestine, in accordance with the Amended Basic Law and the emergency powers vested in him by it, issued presidential decrees declaring a state of emergency throughout the State of Palestine and the formation of a Government to implement it, following the military coup d'état carried out by the Hamas movement in the Gaza Strip.

### **Article 2 (para. 3) Invoking orders by superiors as justification**

23. Under the Security Forces Service Act, any member of the security forces who, in the discharge of their duties, acts in a manner that is incompatible with their functions or whose conduct or comportment brings disrepute to the office is liable to be punished. There are no exemptions, except where it is established that the official acted on the orders of a superior who insisted that the orders be carried out, despite having been warned by the official that such orders contravened the law. In such cases, the superior alone shall be liable in accordance with articles 173 and 194 of the Act. Under article 4 (para. 3) of the code of ethics and rules of public conduct of the Palestinian security forces, neither orders from superiors nor exceptional circumstances, such as war or the threat thereof, internal political instability or any other public emergency situation, may be invoked to justify torture or maltreatment, cruel, inhuman or degrading punishment, or other forms of abuse.

### **State of necessity and Israeli occupation law**

24. Torture is prohibited under international law under all circumstances, including in times of war or public emergency. It is a basic principle of international customary law that applies to all States, including those that have not ratified or acceded to any of the international treaties expressly prohibiting torture and its use on any person under any circumstances. Despite this and the fact that Israel, the occupying Power, is a party to the Convention, it continues unabated to torture and inflict other inhuman and shameful treatment on Palestinian prisoners and detainees in prisons of the occupying authorities. Palestinian inmates, in particular children, face cruel and inhuman prison conditions and

numerous practices on the part of the occupying Israeli forces that are demeaning to their human dignity and designed to break and humiliate them.

25. The prison authorities and investigators invoke the requirements of “necessity”; according to some interpretations of the outcome of the torture case heard by the Supreme Court of Israel in 1999, Palestinian detainees can be seen as “ticking time bombs” on whom moderate physical pressure may be brought to bear by the occupation authorities in investigations in order to extract confessions and information from them. The “ticking time bomb” label is applied to any case in which a detainee is believed to have information, the disclosure of which would prevent a potentially fatal imminent attack from taking place. In 1999, therefore, the Supreme Court (an arm of the colonial occupation authorities) ruled, with regard to torture, that reasonable means of pressure could be used on Palestinian detainees during their interrogation. That ruling is in addition to the many other decisions taken by the occupying authorities with regard to prisoners that permit and legalize torture.

26. The Supreme Court ruling left the door wide open to the use of torture and other cruel, inhuman and degrading treatment against Palestinian prisoners on the pretext of necessity. The Israeli occupation prison authorities and investigators, including those attached to Shabak, are exploiting the Court’s ruling cynically to use cruel physical methods on anyone being investigated in connection with allegedly serious security matters. Thus, under the ruling, the “necessity” defence exempts investigators who employ prohibited interrogation methods from criminal responsibility, because the physical methods used are deemed to be nothing more than a necessary by-product of such interrogations, which, as a rule, are kept secret and not reviewed by any independent external body.

### **Article 3**

#### **Prohibition of the extradition, expulsion or return of any person to a State where they might be subjected to torture**

27. The extradition, expulsion or return of a person to another State where he or she might be liable to be tortured is not explicitly addressed in Palestinian extradition laws, since the extradition of any Palestinian national anywhere for any reason is prohibited under article 28 of the Amended Basic Law.<sup>6</sup>

28. Under article 6 of the Extradition Act of 1927, in force in the West Bank, and article 7 of the Extradition Act of 1926, in force in the Gaza Strip, a fugitive criminal shall not be extradited if the crime requesting his extradition is of a political nature. The extradition of fugitive criminals in cases where they might be liable to be tortured is not prohibited under either Act. Extradition is addressed in the General Intelligence Service Act, article 16 of which provides that provisions regarding persons accused of extraditable crimes contained in treaties between the State of Palestine and other States must be observed in a manner that is not at variance with the law.

29. Under article 9 of the Extradition Act in force in the Gaza Strip, read together with article 2 of the Act, the justice of the peace is competent to consider extradition and expulsion cases, whereby the justice of the peace is the chief magistrate of the court of first instance, which is thus the competent court for the consideration of such cases. No requests for extradition, expulsion, deportation were recorded or appealed before the courts in the period covered by this report.

### **Article 4**

#### **Legislative provisions criminalizing torture**

30. The provisions of the Code of Conduct for Law Enforcement Officials, which was adopted under General Assembly resolution 34/169 of 1979, apply in the State of Palestine

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<sup>6</sup> Article 28 stipulates that no Palestinian shall be expelled from the homeland, deprived of return, prevented from leaving, stripped of his or her nationality or handed over to any foreign party.

and establish the responsibilities of all law enforcement officials, including the police and military: serving the community (art. 1); respecting human dignity and human rights (art. 2), including confidentiality (art. 4); prohibiting torture (art. 5); and fully safeguarding the health of persons held in their custody (art. 6).

31. The prohibition of torture and measures to counter it in the State of Palestine are also addressed in article 4 (para. 1) of the Code, which stipulates that, in line with the law and international instruments, members of the security forces shall refrain from carrying out any acts of torture or cruel, degrading or inhuman treatment, whether physical or mental, consenting to such acts or tacitly permitting them to be carried out, whether directly or through third parties.

32. Under the Criminal Code in force in the West Bank, acts of violence or force committed for the purpose of obtaining a confession to an offence or information pertaining thereto, whether or not committed by a public official, are punishable by imprisonment for a term of between three months and three years. The Code further stipulates that, where such acts cause illness or injury, the penalty shall be imprisonment for a term of between six months and three years.

33. Under the Criminal Code in force in the Gaza Strip, any person employed in the public service who subjects or orders the subjection of any person to force or violence for the purpose of extorting from him or from any member of his family confession of an offence or any information relating to an offence is guilty of a misdemeanour. Such a person shall be liable to imprisonment for a term of between one week and three years, a fine ranging from 5 to 200 dinars or bail bond.

34. Under the criminal laws, any person who intentionally strikes, injures or harms a person through any act characterized by violence or assault that results in illness or leaves the person unable to work for a period exceeding 20 days is liable to imprisonment for a term ranging from three months to three years.

35. Where the act in question leaves a person unable to work for less than 30 days, the penalty increases to a term of imprisonment not exceeding one year or a fine not exceeding 25 dinars or both. Under articles 333–345 of the Criminal Code in force in the West Bank and articles 238–244 and 248–251 of the Criminal Code in force in the Gaza Strip, the penalty is even more severe where the act results in the amputation or incapacitation of a limb or extremity or sensory disability, causes severe disfigurement or any other permanent disability or triggers a miscarriage. Under article 330 of the Criminal Code in force in the West Bank, the offence of manslaughter as a result of striking or injuring a person with a non-lethal instrument shall be punishable by hard labour for a term of not less than five years.

36. Under article 280 of the Revolutionary Criminal Code of 1979, illegal acts of violence with a view to obtaining a confession to an offence or information pertaining thereto are punishable by imprisonment for terms of not less than three months. Where such acts of violence cause illness or wounds, imprisonment shall be for a term of not less than six months. Where torture causes death, the penalty shall be hard labour for a term of not less than five years.

37. Pursuant to article 4 of Decision No. 172 of the Minister of the Interior, dated 20 August 2009, it is incumbent on all direct superiors and persons in leadership positions, within the limits of their authority, to apply penalties decided by the courts to any members of the security forces found to have subjected detainees to torture or inhuman treatment.

38. As for holding law enforcement officials accused of torture or inhuman or degrading treatment to account, the aforementioned penalties are insufficient to constitute a deterrent, are not commensurate with such criminal acts and do not conform with international conventions.

### **General guarantees**

39. Under article 32 of the Amended Basic Law, the crime of torture is not subject to any statute of limitations; it provides that any violation of public rights or liberties guaranteed by the Basic Law and the laws in force constitutes an offence not subject to any

statute of limitations with respect to civil or criminal proceedings that may ensue. By law, victims may therefore assert their rights at any time. Current criminal legislation also provides that the statute of limitations for misdemeanours is three years. In that case, the provisions of the Basic Law, which is the cornerstone of legislation, take precedence.

40. Under article 207 of the Criminal Code in force in the West Bank, any public officials entrusted with the investigation and prosecution of crimes who neglect or delay reporting a crime of which they have become aware in the course of their work are liable to a penalty of imprisonment for a term ranging from one week to one year. Similarly, such officials who neglect or delay notifying the competent authority about a felony or misdemeanour of which they have become aware in the discharge of their official duties are liable to imprisonment for a term ranging from one week to three months. Medical professionals who, while assisting an apparent victim of a felony or misdemeanour, fail to inform the competent authorities are also liable to such penalties. Such acts are exempt from penalties where the offences require that a complaint be filed in order to be prosecuted.

41. With regard to disciplinary accountability, where law enforcement officials commit illegal acts they are held accountable in accordance with the general provisions on administrative and legal accountability stipulated by the law. For example, under articles 47–59 and 72 of the Judicial Authority Act (No. 1 of 2002), an official of the Office of the Public Prosecutor may receive a warning if he or she commits a breach of his or her professional duties. Disciplinary proceedings may ensue where the official fails to heed the warning. In such cases, proceedings may be conducted only on the basis of an inquiry by a judge of the Supreme Court. Such proceedings result in either the official's resignation or retirement.

42. The accountability of other law enforcement officials not employed by the Office of the Public Prosecutor is governed by articles 19–21 of the Code of Criminal Procedure, under which the Public Prosecutor, in his or her capacity as overseer of the work of law enforcement officials, has the authority to institute disciplinary measures that may include separation from service for any official who commits a breach or dereliction of his or her professional duties. Under the Security Forces Service Act, any member of the security forces who, in the discharge of their duties, acts in a manner that is incompatible with their functions or whose conduct or comportment brings disrepute to the office is liable to be punished, without prejudice to eventual civil or criminal proceedings, as is deemed to be necessary. There are no exemptions, except where it is established that the official acted on the orders of a superior who insisted that the orders be carried out, despite having been warned by the official that such orders contravened the law. In such cases, the superior alone shall be liable in accordance with articles 173 and 194 of the Act. This provision applies to all law enforcement personnel. Under article 218 of the Act, judicial rulings regarding administrative liability may be handed down under the Civil Service Act where there is a failure to hold perpetrators to account administratively under the aforementioned laws.

43. Members of the Palestinian security services who are alleged to have abused detainees are investigated and the completed files submitted to the competent court for due processing upon receipt by the Office of the Military Prosecutor in the West Bank of the relevant complaints. In 2015, four convictions were handed down, with sentences ranging from three to six months. Two cases resulted in acquittal for lack of evidence and another in a disciplinary penalty. Two further cases are pending before the courts and 12 others remain under investigation by the Office of the Military Prosecutor.

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**Cases of torture and inhuman practices (2014 to 2017)**


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<i>Type of charge</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>
Homicide	2	Court rulings handed down in both cases	10	Court rulings handed down in seven cases, three of them by military tribunals	7	Pending before military tribunals	1	Under investigation
Deprivation of liberty			3	Court rulings handed down in all three cases	13	Seven cases dismissed for lack of evidence and six pending before military tribunals	8	Two cases dismissed for lack of evidence, five under investigation and one pending before military tribunals
Torture							2	Under investigation
Kidnapping			1	Court ruling handed down	3	Court rulings handed down	1	Case dismissed for lack of evidence
Complaints by civil society institutions								
Al-Haq							2	Under investigation
Independent Commission for Human Rights							14	Under investigation

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**Persons charged with maltreatment of detainees or extraction of information by force (2016 to 2018)**
**Number of persons charged, by agency**

	<i>Agency</i>	<i>No.</i>
1	Police	137
2	General Intelligence Service	6
3	Preventive Security Service	5
4	National Security Forces	4
5	Medical services	4
6	Customs	3
7	Civil defence	2
8	Intelligence services	1

**Number of cases, by legal action taken**

	<i>Legal action taken</i>	<i>No.</i>
1	Cases kept on file	39
2	Cases resulting in acquittal	40
3	Cases resulting in conviction	24
4	Cases pending trial	34
5	Cases under investigation	36

*Note:* The discrepancy in the totals between the two tables is due to the fact some persons were charged in multiple cases.

**Situation of women inmates**

44. With regard to the rights of female prison inmates, article 24 of the Correctional and Rehabilitation Centres Act stipulates that male inmates be housed separately from their female counterparts, thereby rendering spoken or visual contact between them impossible. Juvenile detainees are held in separate facilities altogether. Under article 27, special allowance is made for pregnant inmates. It provides that, from the time pregnancy becomes apparent until 60 days after delivery, pregnant inmates receive special treatment in terms of food, rest and work schedules. They are looked after and provided with medical care under a physician's supervision and the necessary arrangements are made for delivery to take place in hospital. Article 28 provides that, where a woman gives birth in a correctional centre and that is noted neither in the official records nor in the birth certificate, it shall be deemed that the child's place of birth was the hospital. The child remains in the care of its mother until it reaches 2 years of age. The facility director ensures that nursing mothers are housed separately from other inmates. Under article 402 of the Code of Criminal Procedure, a custodial sentence may be stayed in the case of a pregnant woman until three months after she has given birth.

45. Women inmates are accorded special treatment, in that they are entitled to more frequent external contact, including two visits a week without dividers between them and their visitors. They may also make telephone calls periodically. All their personal hygiene and other needs are met by the administration of the correctional and rehabilitation facilities. All the needs of any children born in the facilities, such as clothing and medical treatment, are also covered, as indeed are any other needs that women inmates and their children may have.

**Women detainees in the prisons of the Israeli occupiers**

46. The health conditions experienced by Palestinian women inmates in the prisons of the Israeli occupiers are extraordinary. They are systematically subjected to various forms of physical and mental torture and a policy of medical neglect. They are deprived of even the most basic health-care services and healthy food. The ill are made to wait for treatment and are given medication past its use by date. Inmates with chronic illnesses are deprived of their medication while others are denied essential surgery.

47. The conditions of detention in which Palestinian women are held are wretched, with poor ventilation, high humidity and significant overcrowding. They are sorely lacking in general cleaning materials and insecticides, and there is no separate housing for inmates with contagious diseases. They lack access to gynaecological care, which is especially problematic for those who were pregnant when detained and require medical follow-up. They are forced to give birth with their hands bound, regardless of the pain they endure in labour and childbirth.

**Prohibition on the torture of juveniles**

48. Under Palestinian law, the rights of children in conflict with the law are safeguarded to the same degree as for adults. That is set forth explicitly in article 5 of the Decree-Law

on the protection of juveniles with regard to their arrest, detention and trial.<sup>7</sup> Juveniles are guaranteed legal representation under article 10<sup>8</sup> and the right to humane treatment under article 7,<sup>9</sup> under which it is also prohibited to submit them to physical or mental torture or cruel, inhuman or degrading treatment or punishment. Under the Decree-Law, the juvenile prosecution service may hold a juvenile in a social welfare centre under the supervision of a child protection officer for not more than 48 hours, unless the court orders otherwise under the rules set forth in the Code of Criminal Procedure. Under articles 68 and 69 of the amended Palestinian Children's Act, the torture or inhuman or degrading treatment of juveniles is prohibited.<sup>10</sup>

49. The provisions of the Decree-Law on juvenile protection are consistent with international standards, in particular with regard to the principle of safeguarding the best interests of the juvenile throughout the preliminary investigation, investigation and sentencing stages, the jurisdiction over which is entrusted to the special police unit for juveniles under article 15.<sup>11</sup> Article 16 stipulates the establishment of a specialized juvenile justice unit.<sup>12</sup> The jurisdiction *ratione materiae* and *ratione personae* of the juvenile court is enshrined in article 26,<sup>13</sup> while article 24 addresses juvenile justice procedures.<sup>14</sup> Under Palestinian law, juveniles may not be sentenced to death, life imprisonment or hard labour under any circumstances. The sensitive age of juveniles and international principles were

<sup>7</sup> Under article 5 (para. 1), persons shall not be criminally liable for offences they commit, or if they are found to be at risk of delinquency, when under the age of 12 years. Under paragraph 2, read in conjunction with the provisions of the Palestinian Children's Act, a child under the age of 12 years shall be considered at risk of delinquency if he or she is involved in an act constituting a felony or misdemeanour and shall be placed under the supervision of a child protection officer.

<sup>8</sup> Article 10 provides that juveniles involved in felonies and misdemeanours must be represented by a defence lawyer during the preliminary investigation and at trial. Where a lawyer is not appointed, the Office of the Public Prosecutor or the court, depending on the circumstances, shall provide the juvenile with counsel at their expense.

<sup>9</sup> Article 7 stipulates that all juveniles shall enjoy the right to be treated in a manner commensurate with their age and which protects their honour and dignity and facilitates integration into society: Juveniles shall not be subjected to physical or mental torture, or to cruel or degrading treatment or treatment demeaning to human dignity (para. 1); No juvenile shall be liable to the death penalty or fines (para. 2); Juveniles shall be subject to restraints only in cases where their insubordination or belligerence make them necessary and then only to the extent required (para. 3); Prevention, education and rehabilitation shall be favoured over provisional arrest or measures involving deprivation of liberty, in particular of a short-term nature, except in difficult cases and in line with the child's best interests (para. 4).

<sup>10</sup> Article 68 stipulates that no minor shall be subjected to physical or mental torture or any form of cruel, degrading or humiliating punishment or treatment. Article 69 stipulates that minors accused of an offence have the right to be treated in a manner commensurate with their age, to the protection of their honour and dignity and to the possibility of being reintegrated into and playing a constructive role in society. The State shall take all the legislative and other measures necessary to uphold that right. 3. Prevention, education and rehabilitation shall, as far as possible, be favoured over provisional arrest or measures involving deprivation of liberty.

<sup>11</sup> Under article 15, a special police unit in each governorate, as required by the circumstances, shall have exclusive jurisdiction for juveniles and minors at risk of delinquency. The units shall be formed under a decree of the Minister of the Interior, which shall provide for the assignment to them of female personnel.

<sup>12</sup> Article 16 stipulates that: 1. Pursuant to the provisions of this Act, a justice unit for the prosecution of juveniles and children at risk of delinquency shall be established within the court. 2. The unit shall conduct investigations in line with the procedures set forth in the Code of Criminal Procedure, insofar as they are not inconsistent with the provisions of this Act. It shall direct the child protection officer to compile an activities and social inquiry file necessary to establish the truth and obtain an understanding of the child offender's personality and the appropriate means for his or her rehabilitation and protection.

<sup>13</sup> Article 26 stipulates that: 1. The court alone has jurisdiction over matters concerning juveniles and children in situations of difficulty that pose a threat to their physical or mental well-being or who are at risk of delinquency, in accordance with the Palestinian Children's Act. 2. Where a criminal offence is attributed to a juvenile acting in conjunction with an adult, the juvenile shall be tried separately.

<sup>14</sup> Article 24 stipulates that: 1. Each court shall have one or more chambers to hear cases involving juveniles. 2. The court shall sit on weekends, official holidays and evenings when necessary or the best interests of the child so require. 3. The court may sit where the social welfare centre is located.

both taken into account in the drafting of the Decree-Law on juvenile protection (or Juvenile Protection Act) in 2016. Under the Decree-Law, prevention and education are favoured to the degree possible over preventive arrest.

50. The court, therefore, is not concerned merely with establishing the facts of the crime and applying the law. An integral part of its jurisdiction is to take measures to protect minors in situations of difficulty that pose a threat to their physical or mental well-being and to shield them from delinquency. This area of jurisdiction, which is novel in Palestine, has a positive impact on minors and society. It is administered at the political, legislative and judicial levels, alongside measures taken by other specialized bodies designated by a number of institutions, primarily the Ministry of Social Development, and dovetails with current approaches to combating crime. The Ministry of Justice continues to develop plans for such specialized courts in order to meet its desired goals in this regard. Among the main *raison d'être* for the court is to simplify trial proceedings and ensure that they remain confidential, prohibit hearings from being made public, ensure that the testimony is heard from persons concerned with the juveniles' best interests, and provide legal aid. Sentences handed down by the court are not recorded as prior convictions once juveniles reach adulthood.

51. The term "penalties" is avoided in the Decree-Law. Instead, in article 46,<sup>15</sup> reference is made to special measures for juveniles over the age of 15 years. The system of juvenile justice is thus not based on the notion of punishing juveniles for their acts. Rather, decisions are taken on the time needed to rehabilitate and integrate them into society. One of the measures stipulated in article 36<sup>16</sup> may be applied or they may be sentenced to community service, as provided for by the law.

52. With regard to policy, the legislative, executive and judicial branches in the State of Palestine, together with human rights institutions, are united in their determination to continue work on building a legislative and judicial environment for the rehabilitation of young people in conflict with the law. That in itself demonstrates the awareness in Palestine of the importance of protecting young people from delinquency, treating them properly and rehabilitating them. Palestinian legislators have not ignored restorative justice with regard to young people in conflict with the law, or alternatives to placement in welfare facilities. Also worthy of mention are: the children's protection division and child protection officers in the Ministry of Social Development; social welfare facilities; the priority given to prevention, education and rehabilitation; the avoidance of punishment involving the deprivation of liberty, except as a last resort and for the shortest possible term; ensuring equal rights between the sexes and guarantees of due process.

### **Progress achieved**

53. After the adoption of the Decree-Law on the protection of juveniles, a completely separate criminal justice system for juveniles and children at risk of delinquency was introduced. It includes special police units for juveniles, a special juvenile division of the Office of the Public Prosecutor and a special juvenile court of first instance.

<sup>15</sup> Article 46 stipulates that: 1. If a juvenile aged not less than 15 years and not more than 18 years commits a felony, the court may rule that he or she be placed in a social welfare facility, as follows: (a) For a term not exceeding nine years for offences punishable by death; (b) For a term not exceeding seven years for felonies punishable by life imprisonment; (c) For a term not exceeding five years in the case of other felonies; (d) A juvenile who commits a misdemeanour punishable by imprisonment shall be confined in a social care facility for a period not exceeding one third of the maximum prison term under the law. The court may, instead of confinement, apply one of the measures set out in article 26 with respect to the juvenile; (e) The foregoing provisions notwithstanding, the court may apply provisions on mitigating judicial circumstances set forth in the Criminal Code, within the permissible legal limits applying to criminal acts committed by juveniles.

<sup>16</sup> Article 36 provides that juveniles below the age of 15 years who commit criminal acts may be sentenced to one of the following measures: 1. Reprimand; 2. Referral; 3. Occupational training; 4. The imposition of specific duties; 5. Options decided by the judges; 6. Probation; 7. Placement in a social welfare facility; 8. Placement in a specialized hospital.

### **Conditions of detention for Palestinian children in the prisons of the Israeli occupiers**

54. Under the Israeli occupation, Palestinian children suffer from an ongoing policy of arbitrary detention and torture, even though, under international law, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which were adopted under General Assembly resolution 45/113 of 14 December 1990, and Israeli law, persons under the age of 18 are deemed to be juveniles. Under current Israeli military law and the Israeli justice system in the Occupied Palestinian Territory, however, persons under the age of 16 years are treated as adults. Pursuant to Military Order No. 132, the Israeli occupation authorities may even arrest children as young as 12 years of age. As a result, they are tried by military tribunals under laws applying to adults, not those in force for juveniles. No account is taken in the courts of their age, nor are there specific courts for them. The result, of course, is that they are not treated as minors as stipulated under international guarantees, in particular those relating to the protection of juveniles deprived of their liberty and, specifically, under article 16 of the Convention on the Rights of the Child, which provides that: "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. The child has the right to the protection of the law against such interference or attacks."

55. Since the onset of the Israeli occupation of the Palestinian territories, the matter of arrests has been a source of grave concern not only because of their significant and growing number, but also because all age groups and both sexes are affected. Not only are adult men and women being arrested, but also minors, both boys and girls. Perhaps the most worrying aspect is that the authorities are increasingly targeting young Palestinians below the age of 18 years. More than 1,200 Palestinian children have been arrested and imprisoned by the occupying Israeli authorities since 2000; more than 240 continue to languish in the prisons of the Israeli occupiers today. In 2018 alone, more than 900 Palestinian children aged between 11 and 18 years were arrested.

56. Most of them are held in the prisons of HaSharon, Ofer and Megiddo. A number are also held in detention centres such as Huwwarah, Gush Etzion and Maskubiyah. Children from Jerusalem and the 1948 zones are held in Giv'on prison in Ramallah, in spite of the fact that the transfer of Palestinian prisoners to prisons inside the occupied territories is a grave breach of international humanitarian law.

57. The suffering of Palestinian child prisoners starts from the moment of their arrest. They are routinely detained at military checkpoints, taken from their homes in the middle of the night or picked up when they are on their way to school in the early morning or on their way home. Their hands are bound, and they are blindfolded. The occupying Israeli police usually begin interrogating them as soon as they arrive at the police station, subjecting them to considerable psychological and physical pressure and a torrent of threats and insults. The aim is to intimidate and unnerve them and extract confessions. Most end up by confessing to having thrown stones and sign statements and other documents, the purport of which they do understand, that are written in Hebrew, a language that they do not understand.

58. The occupying Israeli authorities deprive Palestinian child prisoners of their most basic rights, enshrined in international instruments, including: the right not to be subject to arbitrary arrest, the right to be notified of the charges; the right to a lawyer; the right of the family to be notified of the charges and the place of the child's detention; the right to appear before a special juvenile court; the right to deny and appeal against the charges; the right to make external contact and the right to humane and decent treatment. Aside from the oppressive isolation that children experience in prison and the difficult living conditions in their approximately one-and-a-half-square-metre, dank, putrid and gloomy cells, they are deprived of sleep for days on end and poorly fed. All of that flies in the face of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

59. While in arbitrary detention, child prisoners are subjected to various forms of torture and cruel, inhuman and degrading treatment. They are completely isolated from their families and lawyers, especially during the preliminary investigation phase. Torture is also used to extract confessions from children. They are held for an initial period of four days, extended thereafter for another four days by order of the investigation unit (they must

appear before a military tribunal within eight days of their arrest). All of this constitutes a violation of Principle 21 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and article 40 (2) (b) (iv) of the Convention on the Rights of the Child, under which it is forbidden to abuse the position of detainees in order to compel them to confess or implicate themselves in a crime or provide information implicating others. It also violates article 37 (c), which stipulates that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

60. Israeli military tribunals have not shrunk from handing child prisoners harsh sentences, including exorbitant fines. Children in occupied Jerusalem have been targeted for arrest since 2014. The tendency has been to release them on payment of a fine or bail by a third party, to place them under house arrest or to remove them from their place of residence. Penalties imposed on Palestinian children were stiffened recently with the adoption by the Israeli Ministerial Committee for Legislation of tougher penalties for stone-throwing. Under the first part of the new law, stone-throwing is punishable by imprisonment for a minimum term of four years. Under the second part, the families of anyone convicted of an offence under the law shall be stripped of their economic and political rights, such as national insurance benefits, child benefit, allowances for disabled children and any other benefits. This is a form of collective punishment designed to push Palestinians out of their territory.

61. The most common forms of torture and cruel, inhuman and degrading treatment to which Palestinian child prisoners are subjected while in arbitrary detention in Israeli prisons include:

- The denial of their right to education;
- The absence of mental health care and professionals in prison facilities;
- The denial of regular visits by family members because they live in the occupied territories;
- Intimidation and harassment in detention;
- The sense of solitude and isolation;
- Attempts by the Israeli occupiers' intelligence services to recruit them;
- The denial of parental visits and its psychological impact on them;
- Medical neglect and the lack of health care;
- Beatings, intimidation and threats of beatings by investigating officials of the Israeli occupation prison authorities;
- Sexual harassment of some children, who are threatened with beatings if they attempt to complain to the prison authorities. In one instance, a child who did complain was assaulted by convicted criminals who slashed his legs with knives;
- Imprisonment together with convicted criminals;
- Subjection to attempted sexual harassment and verbal and physical abuse.

## **Article 5 Jurisdiction**

### **Military tribunals**

62. The Palestinian Military Justice Commission is an independent judicial body that deals with crimes committed by members of the Palestinian security forces. It consists of military tribunals established under article 101 (para. 2) of the Amended Palestinian Basic Law and the Office of the Military Prosecution,<sup>17</sup> which reports to the head of the Military

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<sup>17</sup> Article 101 (para. 2) of the Amended Basic Law provides that military tribunals shall be established by specific laws and that they shall have no jurisdiction beyond military matters.

Justice Commission. The Office is headed by the Military Prosecutor, who is assisted by a team of prosecutors in the investigation of complaints of offences committed by Palestinian security forces personnel pursuant to articles 13–24 of the Palestine Liberation Organization Revolutionary Code of Criminal Procedure of 1979, as amended. The structure of the system of military tribunals and their areas of jurisdiction are set forth in articles 119–123 of the Code, which provide for a Central Military Tribunal, a Standing Military Tribunal, a Military Court of Appeals, a Special Military Tribunal and the Military Field Court.

63. The jurisdiction of the military tribunals is as follows:

- The Central Military Tribunal tries offences for which the penalty does not exceed one year, except in the case of those committed by officers. Appeals against its rulings may, in accordance with article 240 of the Code, be lodged within 10 days before the Chief Military Justice;
- The Standing Military Tribunal is mandated to deal with all offences except where otherwise stipulated. That includes all misdemeanours committed by personnel and officers of the security forces punishable by prison terms of more than one year and terms of hard labour, pursuant to articles 121 and 126 (b);
- The Military Court of Appeals is competent to hear any appeal against judgments and rulings handed down by the Standing Military Tribunal as a court of first instance and those handed down by the Special Military Tribunal, which examines offences committed by officers with the rank of major and above and other cases referred to in the decision regarding its establishment, as well as offences committed by officers from the rank of second lieutenant to major. The Court's rulings are subject to appeal within one month of their being handed down;
- The Military Field Court has jurisdiction for offences committed in the course of military operations, as set forth in the decision regarding its establishment and in accordance with the law.

#### **Territorial, personal and extraterritorial jurisdiction of Palestinian law**

64. Under article 14 of the Judicial Authority Act, regular Palestinian courts have jurisdiction to hear all disputes and try all offences except where specifically stipulated otherwise. Under articles 7, 8 and 10 of the Criminal Code in force in the West Bank, the provisions of the Code apply to anyone who commits an offence set forth therein in Palestine and to any Palestinian national who, when outside the State of Palestine, commits, takes part in, instigates or is an accessory to a felony or misdemeanour punishable by law. They apply equally to offences committed by Palestinian officials outside the State of Palestine in the discharge of their duties and by members of the Palestinian foreign service and consular staff who do not enjoy diplomatic immunity, as well as to offences perpetrated on board foreign aircraft passing through Palestinian airspace where either the offender or the victim is Palestinian, or where the aircraft lands in Palestinian territory after the offence is committed.

65. Under the Code, Palestinian courts also have jurisdiction for offences that occur at the instigation of or with the complicity of foreign nationals, provided that the offence is punishable under Palestinian law and the State of which they are nationals has not requested their extradition. The provisions of the Code apply to any Palestinian or foreign national who commits, takes part in, instigates or is an accessory to a felony or misdemeanour abroad that threatens the security of the State or who forges the State seal, currency, banknotes or securities issued by Palestinian or foreign banks that are legal tender or traded in Palestine. It follows, therefore, that Palestinian courts may exercise extraterritorial jurisdiction and try foreign nationals charged with offences committed outside Palestine, including crimes against physical integrity, provided that such foreign nationals are resident in the State of Palestine, that the State of which they are nationals has not requested their extradition or that such a request has been turned down and the offence is punishable under Palestinian law.

66. Under articles 6 and 7 of the Criminal Code in force in the Gaza Strip, the courts do not have extraterritorial or personal jurisdiction over nationals or foreign nationals who commit any offence, regardless of its nature, outside Palestine. The Code stipulates that the jurisdiction of Palestinian courts extends to all of Palestine and its coastal waters to a distance of three nautical miles.

67. Article 165 of the Code of Criminal Procedure in force in the West Bank and the Gaza Strip, on spatial jurisdiction, stipulates that where an offence that is punishable under Palestinian law occurs abroad and the perpetrator has no fixed address in Palestine, he or she shall be prosecuted before the competent court.

68. The jurisdiction of Palestinian courts is addressed in article 163 of the Code of Criminal Procedure, where it is stipulated that the jurisdiction of the courts shall be determined by the place in which the offence occurred or the place in which the offender resides and where he or she was apprehended. Article 166 stipulates that, where an offence punishable under the provisions of the Palestinian Criminal Code falls only partly within the jurisdiction of the Palestinian courts, it shall be treated as if it fell wholly within their jurisdiction.

69. Under article 28 of the Basic Law, the extradition of Palestinian nationals who are charged with an offence is totally prohibited. Under article 10 (para. 1) of the Criminal Code of 1960, such persons shall be tried before Palestinian courts. The procedures set forth in the Code of Criminal Procedure apply to court proceedings, evidence and other procedural matters. Where the perpetrator is a foreign national residing in Palestine whose extradition has not been requested, he or she comes under the jurisdiction of the Palestinian courts and is subject to Palestinian law in accordance with article 10 (para. 4) of the Code.

70. The Supreme Judicial Council has no record of any cases involving foreign nationals being brought before Palestinian courts because their extradition to another State had been refused; the trial of foreign nationals accused of the crime of torturing Palestinians outside Palestine; or the acceptance or refusal of any extradition requests in Palestine.

71. Through its occupation of Palestinian territory, Israel, the occupying Power, exercises illegal control over the crossing points and land, sea and air borders of the State of Palestine. It thus controls the flow of persons and imposes restrictions on the movement of Palestinian and other travellers entering or exiting the State of Palestine. The Israeli occupation also constitutes a stumbling block for the exercise by Palestinian courts of their territorial and personal jurisdiction in Area C, which accounts for 61 per cent of the West Bank, and in occupied East Jerusalem.

## **Article 6**

### **Jurisdiction over accused persons who are foreign nationals**

72. Under articles 11 and 12 of the Extradition Act of 1927 and articles 10–12 of the Extradition Act of 1926, the competent judge may order the arrest of a person accused of committing an offence requiring extradition to a foreign State, where the arrest warrant issued by that State is duly certified and evidence has been submitted to the court in compliance with the law. If the person has been found guilty of the offence, the competent judge may order the person's arrest or release. In any case, such rulings may be appealed within 15 days of their issue and appeals may be appealed against within the same period under the rules set forth in the Code of Criminal Procedure. Upon issuing the arrest warrant, the judge must place the offender in custody, in a prison or other place of detention, until an order for his or her extradition is issued. Under the laws referred to above, the judge must inform the fugitive offender that he or she will not be extradited for 15 days and has the right to challenge the ruling before the Court of Appeals.

73. A foreign national who is detained in the State of Palestine shall by law be able to contact representatives of his or her country. Under article 123 of the Code of Criminal Procedure, a person charged with an offence also has the right to contact his or her family and a lawyer. Nothing in the law prohibits that.

## Article 7

### Due process measures for foreign nationals

74. The constitutional and legal rights of detainees and persons charged with offences to proper treatment and due process throughout the judicial and legal proceedings (questioning, investigation and trial) are guaranteed under the Basic Law, Code of Criminal Procedure and Judicial Authority Act, regardless of whether the accused is a Palestinian or foreign national. This is also affirmed in articles 15<sup>18</sup> and 16<sup>19</sup> of the General Intelligence Service Act.

#### Safeguards for the accused during questioning

75. Before trial, the accused enjoy such safeguards as the inadmissibility of being arrested, searched, imprisoned, detained or held in custody, or having their freedom of movement curtailed or prohibited except by a warrant issued by a court in accordance with article 11 (para. 2) of the Basic Law. Article 29 of the Criminal Procedure Code provides that arresting, imprisoning or curtailing the freedom of a person without a warrant shall be deemed arbitrary except, as provided for in article 30 of the Code, where a person is caught in the act of committing felonies or misdemeanours that are punishable by prison terms of more than six months or where the offender or person charged with committing an offence refuses to provide his or her name and address or has no fixed abode. The Code also stipulates that the accused shall be treated with dignity and come to no physical or mental harm. The period for which the accused may be held in custody is also regulated by law, as indicated earlier in this report.

76. Under the Criminal Code of 1960, the imprisonment or detention of a person in circumstances other than those stipulated by the law constitutes a punishable offence. Under article 12 of the Basic Law, the accused is entitled to have access to information concerning him or herself and, under article 112 of the Code of Criminal Procedure, a person who is arrested or detained has the right to be told of the reason for the arrest or detention and to be informed promptly of the charges in a language that he or she understands. With regard to the pretrial questioning stage, safeguards are built in to Palestinian law ensuring that, inter alia, the accused shall only be questioned when cognizant of the charges and presented with the evidence against him or her. Moreover, under article 12 of the Basic Law and article 102 of the Code of Criminal Procedure, the accused has the right to obtain the assistance of a defence lawyer without delay and questioning must take place within 24 hours of arrest.

#### Safeguards for the accused in court

77. Under Palestinian law, defendants are assured of a fair trial and decent treatment during court proceedings. The judiciary and judges are independent and subject only to the authority of the law. Interference by any other authority in their work or in matters of justice is not permitted. Defendants on trial are guaranteed the constitutional and legal safeguards enshrined in Palestinian laws, as stipulated in articles 97 and 98 of the Basic Law and articles 1 and 2 of the Judicial Authority Act. Under Palestinian law, the defendant is presumed innocent throughout the investigation and trial stages until found guilty in a definitive ruling by the competent court. The presumption of innocence places the burden of proof on the prosecution (Office of the Public Prosecutor) and the principle of *dubio pro reo* applies. Moreover, the defendant shall not appear in court shackled or in a cage for defendants. He or she shall appear wearing his or her own clean clothes.

78. The defendant has the right to a public hearing, except in limited cases where considerations of public order or morals justify the closure of proceedings. The defendant has the right to be represented by defence counsel throughout the hearings. Where he or she

<sup>18</sup> Article 15 stipulates that: 1. If the arrested person is a foreign national, he or she shall be assisted in contacting the nearest representative of the State of which he or she is a national. 2. The General Intelligence Service shall notify the other country concerned where the circumstances dictate.

<sup>19</sup> Article 16 stipulates that persons charged with extraditable offences shall be subject, unless otherwise contrary to the law, to extradition treaties between Palestine and other States.

has not appointed counsel, the court shall assign him or her a lawyer with not less than five years of professional experience (article 244 of the Code of Criminal Procedure), where the court of first instance holding the hearings is constituted as a criminal court competent to rule on all the felonies and associated misdemeanours contained in the indictment (art. 168). Under the law, the defendant may not be removed from hearings unless he or she disrupts them in a manner that necessitates such action. The court, however, shall keep the defendant apprised of all measures taken in his or her absence.

#### **Other safeguards to curb torture and maltreatment**

79. Under Palestinian law, persons accused of offences have the right not to be held in custody or imprisoned in any place other than those designated by specific legislation on the prisons system, i.e., correctional and rehabilitation centres and places of detention facilities established by the law. Prison directors may only admit inmates on receipt of a signed order by the competent authorities. They must abide by the specified term of detention and not hold inmates thereafter. Under articles 99 and 100 of the Code of Criminal Procedure, a representative of the Office of the Public Prosecutor shall carry out a physical examination of the accused prior to the commencement of questioning and take note of any visible injuries and their causes. The representative also has the authority to order medical and psychological examinations of the accused where he deems it necessary or at the request of the accused or their counsel.

### **Article 8**

#### **Extradition of perpetrators of the offence of torture**

80. Although torture and maltreatment, as per the Convention, are not explicitly referred to in Palestinian law as extraditable crimes, there is nothing in the law exempting the perpetrators of such crimes from extradition. Under the Extradition Act of 1926, in force in the Gaza Strip, and the Extradition Act of 1927, in force in the West Bank, the offence of unlawful arrest is extraditable, and unlawful arrest is a form of maltreatment.

81. Under the Act of 1927, for an offence to be extraditable, it must be punishable as if it had been committed on Palestinian territory, defined as the West Bank, and included in the list of extraditable offences contained in the Act. Under the Act of 1926, on the other hand, all offences, whether punishable by law or merely referred to in the list of offences in the Act, even if they are not punishable under Palestinian law, are extraditable. The crime of torture is not among them.

82. Article 28 of the Basic Law stipulates an exception to the obligation of the State of Palestine to extradite, whereby the extradition of Palestinian nationals to a foreign country is prohibited. Further exceptions are set forth in the two aforementioned Extradition Acts in force in the West Bank and the Gaza Strip.

### **Article 9**

#### **Judicial cooperation in matters of criminal procedure related to the offence of torture**

83. The State of Palestine is a signatory to the Riyadh Arab Agreement on Judicial Cooperation, which forms the bedrock of judicial and legal cooperation between the Arab States parties with regard to the gamut of offences and guarantees mutual judicial assistance. Part 2 of that Agreement addresses the publication and notification of judicial and non-judicial documents and papers, while Part 3 regulates the matter of rogatory commissions. The State of Palestine has become a member of the Arab Criminal Police with a view to working with Arab police entities to combat crime. The European Union Police Mission has also worked with the Palestinian police on the legal and professional development of the international police unit within the Palestinian police force and the training of its personnel.

84. In the area of international cooperation to combat crime, the State of Palestine acceded to the United Nations Convention against Transnational Organized Crime in 2015 and joined the International Criminal Police Organization (INTERPOL) on 27 September 2017. Thereafter, it established INTERPOL Palestine (the National Central Bureau of INTERPOL). It has been given the equipment that it needs to do its work and staffed with a group of experienced police officers who are proficient in the foreign languages required for their assignment, and several courses have been held on how to use the INTERPOL network and on article 3 of the organization's constitution, as set forth below:

<i>Title of the session</i>	<i>Venue</i>	<i>Number of trainees</i>
Coexistence and sharing of experiences	Jordan	2
Capacity-building for INTERPOL officers	Turkey	5
Training in the use of the INTERPOL network and on article 3	State of Palestine	9

## **Article 10**

### **Policies and measures**

#### **1. Ministry of the Interior**

##### **A. Instructions**

85. In 2003, the Ministry of the Interior issued standing binding instructions to all training departments at security agencies to incorporate human rights training as a mandatory component of all training courses, regardless of the subject or nature of the training. The Ministry of the Interior and the security agencies began to develop a Democracy and Human Rights Unit at the Ministry of the Interior and complaints departments at the Ministry and all security agencies. The purpose was to promote awareness of human rights concepts among the staff of the security agencies so that they would be mindful of those concepts when dealing with the public.

86. The Ministry of the Interior has issued instructions to circulate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to all security agencies and their staff so that they can become acquainted with its provisions and comply with them in the course of dealing with the public. A CD has been produced containing the Convention, its Optional Protocol and the Istanbul Protocol, and has been adopted as part of the training curriculum for all Palestinian law enforcement agencies.

- In 2017, the Minister of the Interior issued a decision creating a special team to monitor the Ministry's compliance with human rights principles and the rule of law. The goal was to increase human rights awareness within the Ministry and security agencies and ensure that human rights are protected. That team works on the sections of periodic and annual reports and other publications required by conventions to which the State of Palestine is a party that relate to the work of the Ministry. It collects information related to legislation regulating the work of the Ministry and the Palestinian security forces and submits the draft laws and other information that are relevant to the strategic plans and policies followed by the Ministry and the security forces. It monitors human rights violations by the Ministry and the security forces and suggests mechanisms to limit such violations and prevent them from turning into systematic practices.

87. The Ministry of the Interior and the security forces, in collaboration with national partners from Government agencies and civil society institutions, as well as the relevant international agencies, has produced a manual of standard operating procedure for health-care services at correctional and rehabilitation centres. The goal is to increase awareness among staff at detention facilities and correctional and rehabilitation centres of the most advanced treatment methods, in accordance with national legislation and international agreements to which the State of Palestine has acceded, so that standardized up-to-date health-care services are provided to all inmates at correctional and rehabilitation centres.

Similarly, legal units at the Palestinian security agencies have been standardized through the adoption of a manual of operating procedure in collaboration with the relevant civil society and human rights institutions.

88. In partnership with the Hurriyyat Centre, the bill of detainee rights has been developed for interrogation, detention and correctional and rehabilitation centres, both civilian and military.

89. In 2018, the President of the State of Palestine signed a code of ethics and public conduct for members of the Palestinian security forces. It is to be used as a reference for the security forces in the course of carrying out their duties, in order to ensure that they are able to achieve a balance between protecting public rights and freedoms and the need to maintain security and order, consistent with international standards.

## **B. Memorandums of understanding**

90. In 2017, the Ministry of the Interior signed a memorandum of understanding with Najah University to provide academic training on torture prevention for Ministry and security service staff using the Istanbul Protocol as a training tool. There have also been efforts to raise awareness about the Convention and torture prevention in all incarceration institutions, as well as within the Ministry of the Interior, the Ministry of Justice, and the forensic and military medical services agencies. The goal is to develop a national team that specializes in torture prevention on the basis the Istanbul Protocol standards.

91. A study was prepared in cooperation with the Treatment and Rehabilitation Centre for Victims of Torture on the compliance of Palestinian legislation with the Convention against Torture and the adoption of that Convention for the purposes of both harmonizing legislation and training.

92. In 2018, the Ministry of the Interior signed a cooperation agreement with the Muwatin Institute at Birzeit University to implement a training curriculum, entitled “Human Rights and Democracy Guide for the Security Forces and State Institutions”. Some 50 staff from the Ministry of the Interior and the security forces received training in the preparation of human rights training guides, and trainers were trained to transmit their experience to their agencies through ongoing education and by incorporating human rights issues into their annual plans and field activities.

93. A letter of commitment was signed between the General Intelligence Service and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) to strengthen channels of communication with civil society and the media on the methods for addressing complaints that are followed by the enforcement authorities and security services, and to enhance the capacity of enforcement agencies and security services to handle complaints of torture and abuses of physical integrity.

94. In April 2017, the State of Palestine renewed its memorandum of cooperation with the International Committee of the Red Cross (ICRC), reaffirming the authority granted to ICRC to make periodic visits to correctional and rehabilitation centres.

## **C. Training**

95. The Ministry of Interior conducts ongoing human rights training for all members of the security forces, including raising awareness about obligations stemming from the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the Optional Protocol to the Convention against Torture.

96. The various Palestinian security services held over 416 training courses, lectures and workshops on a range of human rights issues, including torture, dealing with children and women victims of violence, psychological and social counselling, family protection, categorization of inmates, and relevant laws. Human rights training sessions were also held for Palestinian judges and prosecutors. Details are provided in the tables below.

**Central report on human rights training for 2014**

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
1.	Human rights	17	5 days	State of Palestine
2.	The basic crime scene	19	12 days	State of Palestine
3.	Approaches to interviewing children	22	5 days	The European Mission
4.	Human rights	24	5 days	State of Palestine
5.	Standard operating procedures (family protection unit)	19	2 days	State of Palestine
6.	Intervention and referral procedures for battered women under the referral system II	5	3 days	UNODC
7.	Curbing child labour and the economic exploitation of children in accordance with the Labour Act and international standards.	3	2 days	Defence for Children International
8.	Human rights	20	5 days	State of Palestine
9.	Curbing child labour	1	2 days	Defence for Children International
10.	Training for family protection unit staff	9	18 days	State of Palestine
11.	Psychological and social counselling	1	2 days	SAWA Foundation
12.	First guide on ensuring human rights	20	4 days	State of Palestine
13.	Human rights	18	3 days	State of Palestine
14.	The role of the police in child protection	20	1 day	Palestinian Red Crescent
15.	Enshrining and honouring human rights	10	4 days	State of Palestine
16.	Violence and interrogation	1	5 days	State of Palestine
17.	Juvenile justice	1	1 day	European Union
18.	Training for the Women and Child Protection Unit	12	18 days	State of Palestine
19.	The role of the police in child protection	13	2 days	Palestinian Red Crescent
20.	First guide on ensuring human rights	19	3 days	State of Palestine
21.	Human rights	19	5 days	State of Palestine

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
22.	First guide on ensuring human rights	20	3 days	State of Palestine
23.	International training programme for women's safety and security	1	19 days	Sweden
24.	Family justice project	5	1 day	European Union
25.	International conference on penal reform and human rights	1	2 days	European Mission/Sweden
26.	International conference on challenges to security and human rights in the Arab region	1	2 days	Council of Arab Ministers of the Interior
27.	Training seminar entitled: Peace and women's security	1	14 days	European Mission/Sweden
28.	Strengthening the relationship between the Palestinian citizen and the security agencies	1	1 day	National Security Service
29.	Violence and interrogation	2	3 days	Ministry of the Interior
30.	Enshrining and honouring human rights	5	4 days	Ministry of the Interior
31.	Violence and interrogation	2	3 days	Ministry of the Interior
32.	Conference: Towards a better future in which human rights are protected	1	1 day	Treating torture victims
33.	Enshrining and honouring human rights	5	4 days	Ministry of the Interior
34.	International law and human rights	1	1 day	Political guidance
35.	International law and human rights	1	1 day	Political guidance
36.	Citizenship and human rights	3	3 days	Independent Commission for Human Rights
37.	The principles of international humanitarian law	1	4 days	Ministry of the Interior
38.	Persons with special needs	3	1 day	Palestine
39.	Dealing with women and children victims of violence	2	2 days	Ministry of the Interior
40.	Violence and interrogation	1	3 days	Ministry of the Interior
41.	Enshrining and honouring human rights	25	15 days	Ministry of the Interior

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
42.	The rights of the child under Palestinian law and international conventions	20	1 day	UNDP
43.	Women's rights: human rights	21	3 days	UNDP
44.	Public lecture on the global campaign against violence against women	200	1 day	UNDP

### Central report on human rights training for 2015

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
1.	Ensuring human rights (correctional and rehabilitation centres)	19	4 days	State of Palestine
2.	Joint workshop for prosecutors and police on creating a common understanding of measures to limit, assess and manage risk in the context of family protection	15	1 day	European police mission
3.	First guide on ensuring human rights	18	4 days	State of Palestine
4.	First training session on dealing with victims of violence	12	3 days	SAWA Foundation
5.	Palestinian women's social and economic rights: access to inheritance	5	1 day	European Union
6.	Human rights	14	5 days	State of Palestine
7.	Second training session on dealing with victims of violence	21	3 days	SAWA Foundation
8.	Mechanisms and skills for holding personal status hearings for women victims of violence in safe houses	6	1 day	UN-Women
9.	Human rights	13	4 days	State of Palestine
10.	Training of trainers for the care of juveniles, the juvenile justice project	2	10 days	European Union
11.	First training guide to ensuring human rights in correctional and rehabilitation centres	15	5 days	State of Palestine
12.	Training session on the national referral system for battered women	5	30 days	Ministry of Women's Affairs
13.	Human rights	12	26 days	State of Palestine
14.	Enshrining and honouring human rights	10	4 days	Independent Commission for Human Rights

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
15.	Human rights	13	5 days	State of Palestine
16.	Session on the rights of inmates and detainees	10	3 days	Independent Commission for Human Rights
17.	First training guide on ensuring human rights	15	4 days	State of Palestine
18.	Maintaining order while respecting human rights	13	3 days	Independent Commission for Human Rights
19.	First guide on ensuring human rights	20	4 days	State of Palestine
20.	Promoting human rights and gender diversity concepts for women police officers	10	3 days	Independent Commission for Human Rights
21.	Visits to courts, juvenile detention facilities and correctional and rehabilitation centres	3	11 days	European Union
22.	Conference on achieving a balance between counter-terrorism and human rights	2	2 days	Council of Arab Ministers of the Interior
23.	Visits to learn about the design and management of correctional and rehabilitation centres	2	2 days	INL
24.	Arab session for the training of trainers in international humanitarian law	1	12 days	Red Cross
25.	First guide on ensuring human rights	20	4 days	State of Palestine
26.	Strengthening human rights and gender diversity for female police officers	10	3 days	Independent Commission for Human Rights
27.	First conference for human rights officials in the Arab Ministries of the Interior	1	6 days	Council of Arab Ministers of the Interior
28.	Workshop on implementation of the Convention against Torture	1	4 days	Morocco
29.	Preserving security and order while maintaining respect for human rights	14	3 days	Ministry of the Interior
30.	Workshop on developing the capacities of women	2	21 days	China
31.	Enshrining and honouring human rights	5	5 days	Ministry of the Interior
32.	The rights of detainees and prisoners	5	3 days	Independent Commission
33.	Human rights workshop	35	2 days	Hurriyyat Centre

	<i>Title of session</i>	<i>Number of participants</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
34.	Human rights workshop	8	2 days	Hurriyyat Centre
35.	Human rights workshop	25	2 days	Hurriyyat Centre
36.	International human rights standards and law enforcement	17	2 days	Red Cross
37.	Enshrining and honouring human rights	5	4 days	Ministry of the Interior
38.	The rights of detainees and prisoners in correctional and rehabilitation centres and detention facilities	6	4 days	Ministry of the Interior
39.	Human rights and criminal procedure	5	3 days	Ministry of the Interior
40.	Women's rights	1	1 day	Political guidance
41.	Workshop on the CEDAW convention and Security Council resolution 1325 (2000)	1	1 day	
42.	National conference on the benefits and challenges for Palestine of signing the Optional Protocol to the Convention against Torture	2	1 day	
43.	Human rights workshop	4	2 days	
44.	Workshop on strengthening the social and economic rights of Palestinian men and women	29	1 day	
45.	Workshop on supporting victims of human trafficking and the national referral system	1	2 days	
46.	Session on the rights of detainees and prisoners in correctional and rehabilitation centres and detention facilities	28	3 days	
47.	Session on preserving security and order while maintaining respect for human rights	28	2 days	
48.	Session on human rights and proper criminal procedure	22	3 days	
49.	Session on promoting human rights and gender diversity concepts for women members of the Palestinian security forces	26	3 days	
50.	Enshrining and honouring human rights	22	4 days	

### Central report on human rights training for 2016

	<i>Title of session</i>	<i>Number</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
1.	First guide on ensuring human rights	14	4 days	State of Palestine – Police
2.	Human rights	18	1 day	State of Palestine – Police
3.	Enshrining and honouring human rights	10	4 days	Treatment and Rehabilitation Centre for Victims of Torture
4.	Human rights	9	1 day	State of Palestine Police
5.	Training on the national referral system for battered women	8	8 days	State of Palestine, Ministry of Women’s Affairs
6.	Protecting an enabling battered women and survivors of violence – Victims of violence	7	98 days	State of Palestine, Ministry of Social Development
7.	Family protection and juvenile courts on juvenile law	13	1 day	State of Palestine, Ministry of Social Development
8.	Legal framework governing the handling by the family protection and juvenile court of battered women and girls with disabilities	13	2 days	QADER for institutional development, Bethlehem
9.	Legal framework governing the handling by the family protection and juvenile courts of battered women and girls with disabilities	12	2 days	QADER for institutional development, Bethlehem
10.	International human rights law and standards related to police work	25	1 day	Red Cross
11.	Legal framework governing the handling by the family protection and juvenile courts of women and girls with disabilities	9	2 days	QADER for institutional development, Bethlehem
12.	International human rights law and standards as they relate to police operations	25	1 day	Red Cross
13.	Preserving security and order while maintaining respect for human rights	5	3 days	Independent Commission for Human Rights
14.	Legal framework governing the handling by the family protection court of women and girls with disabilities	12	2 days	QADER for institutional development, Bethlehem
15.	Investigation procedures for domestic violence cases	14	3 days	UN-Women
16.	Raising the capacities of specialists in supporting battered women	1	14 days	Korea

	<i>Title of session</i>	<i>Number</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
17.	UNICEF regional workshop on child justice	1	3 days	UNICEF
18.	Second conference for human rights officials in the Arab Ministries of the Interior	1	3 days	Secretariat of the Council of the Arab Ministers of the Interior
19.	Enshrining and honouring human rights	5	4 days	Treatment and Rehabilitation Centre for Victims of Torture
20.	Preserving order while maintaining respect for human rights	2	3 days	Political commissioner
21.	Enshrining and honouring human rights	5	4 days	Ministry of the Interior
22.	Code of conduct for security forces	3	1 day	Ministry of the Interior
23.	Department of military correctional and rehabilitation centres	1	28 days	Military intelligence
24.	Town hall meetings run by the Jerusalem Legal Aid and Human Rights Centre	3	1 day	Jerusalem Legal Aid Centre
25.	Empowering women and children and raising awareness among men to combat gender-based violence	1	51 days	Political guidance
26.	Building a culture of nonviolence and repudiation of ideological extremism	1	1 day	Political guidance
27.	International day against torture	1	1 day	Political guidance
29.	First meeting of the Steering and Follow-up Committee of the Regional Programme for the Arab States to Prevent and Combat Crime, Terrorism and Health Threats, and to Strengthen Criminal Justice Systems in Line with International Human Rights Standards (2016–2021)	1	2 days	Secretariat of the Council of the Arab Ministers of the Interior

### Central report on human rights training for 2017

	<i>Title of session</i>	<i>Number</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
1.	Legal framework governing the handling by family protection courts of women with disabilities	16	2 days	QADER for community development
2.	National referral system for battered women	6	4 days	Ministry of Women's Affairs/United States Agency for International Development (USAID)
3.	Techniques for interviewing children	15	3 days	European police mission

	<i>Title of session</i>	<i>Number</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
4.	Guide to ensuring human rights at correctional and rehabilitation centres	17	4 days	Police
5.	National referral system for battered women, Nablus police station	6	4 days	Ministry of Women's Affairs/USAID
6.	Techniques for interviewing children	8	2 days	European police mission
7.	First guide on ensuring human rights in correctional and rehabilitation centres	19	4 days	Police
8.	National referral system for battered women, Nablus police station	6	4 days	Ministry of Women's Affairs/USAID
9.	National referral system for battered women, Tubas police station	6	4 days	Ministry of Women's Affairs/USAID
11.	National referral system for battered women, Qalqilyah police station	6	4 days	Ministry of Women's Affairs/USAID
12.	National referral system for battered women, Janin police station	5	4 days	Ministry of Women's Affairs/USAID
13.	National referral system for battered women, Tulkarm police station	5	4 days	Ministry of Women's Affairs/USAID
14.	First guide on ensuring human rights and second guide on operation of correctional and rehabilitation centres	200	24 days	Police
15.	National referral system for battered women, Bethlehem police station	6	4 days	Ministry of Women's Affairs/USAID
16.	International human rights law and standards for the police in Nablus	25	1 day	ICRC
17.	National referral system for battered women, Hebron police station	6	4 days	Ministry of Women's Affairs/USAID
18.	International human rights law and standards, Hebron police	25	1 day	ICRC
19.	International human rights law and standards, Bethlehem police	26	1 day	ICRC
20.	Family protection and juvenile crime	12	1 day	UN-Women and the European Union Police Mission
21.	International human rights law and standards, Nablus police	30	1 day	ICRC
22.	International human rights law and standards for the police in Janin	22	1 day	ICRC
23.	Techniques for interviewing children, family and juvenile protection officers and prosecutors	6	2 days	European Union Police Mission
24.	Psychological and social support for family protection officers	4	2 days	Ministry of Social Development
25.	Psychological and social support for family protection officers	5	2 days	Ministry of Social Development

	<i>Title of session</i>	<i>Number</i>	<i>Duration of session</i>	<i>Entity supporting the training</i>
26.	International human rights law and standards, special police forces	28	1 day	ICRC
27.	Techniques for interviewing children, family and juvenile protection officers and prosecutors	5	2 days	European Union Police Mission
28.	International conference on a human-rights approach to conflict in the Arab region	1	2 days	Council of Arab Ministers of the Interior
29.	Training session for the committee preparing a training guide on juvenile justice	1	5 days	Defence for Children International
30.	Freedom of expression and the safety of journalists	3	3 days	Ministry of the Interior
31.	Freedom of expression and the safety of journalists	3	3 days	Ministry of the Interior
32.	The International Red Cross and Red Crescent emblem	20	1 day	Ministry of the Interior
33.	Standard operating procedures for health services provided in correctional and rehabilitation centres	2	1 day	Ministry of the Interior
34.	Annual International Human Rights Day conference	1	1 day	Human Rights Association
35.	The dividing line between freedom of opinion and expression and the right to peaceful assembly	4	1 day	European Union Police Mission

## **2. The Ministry of Foreign Affairs and Expatriates**

97. The Ministry of Foreign Affairs and Expatriates, in its capacity as Chair of the national standing committee that follows up the accession of the State of Palestine to international conventions and treaties, and the Independent Commission for Human Rights, as the national human rights institution and an observer in the national committee, have signed a memorandum of understanding with a view to combining in a joint national effort to raise awareness within Palestinian society of the rights and duties entailed by accession to international agreements. That effort would be in parallel with the work being done by each of them separately. They would provide the necessary training to the relevant parties with a view to improving understanding of agreements and developing capacities to make use of international mechanisms and benefit from the best experiences of the Independent Commission for Human Rights in the area and from the foreign relations of the State of Palestine.

98. The Independent Commission participates in the drafting of reports submitted to international bodies by providing information and advice that is needed to compile such reports, and by ensuring that they are transparent and inclusive. It takes part in national consultations on drafting the periodic reports required by human rights conventions. The Ministry engages in ongoing consultations with the Independent Commission for Human Rights on legislative, legal and political reforms, and harmonizing legal provisions with the commitments of the State of Palestine under international agreements. It sets up cooperation mechanisms for implementing obligations stemming from accession to those agreements and ensures that they guarantee the rights and freedoms of the Palestinian people, especially with respect to accountability for the occupying Power and justice for victims.

99. The Ministry of Foreign Affairs and Expatriates, in collaboration with the Office of the High Commissioner for Human Rights, the Ministry of Education and Higher Education and the Independent Commission for Human Rights, celebrated International Human Rights Day on 10 December 2015 by creating a poster containing the articles of the Universal Declaration of Human Rights in simplified language for schoolchildren. It was distributed in all schools in the West Bank and the Gaza Strip. That was in addition to taking part in a morning radio programme at a Palestinian school that is affected daily by violations committed by the Israeli occupiers, and participation in an awareness-raising programme on the state of human rights in Palestine.

100. The Ministry created and distributed a booklet containing the basic human rights agreements to which the State of Palestine had acceded in 2014, with a view to raising public awareness of the content of those agreements.

## **3. Ministry of Justice**

101. The Ministry of Justice is the entity responsible for taking measures to protect the basic freedoms of citizens in accordance with the Palestinian Basic Law, ensuring implementation of regional and international conventions and treaties having to do with basic rights and freedoms, and proposing policies, plans, programs and measures to ensure the promotion, protection and realization of human rights in coordination with the competent authorities.

102. Article 10 of the Correctional and Rehabilitation Centre Act grants the Ministry of Justice the power to inspect correctional and rehabilitation centres by making field visits and hearing prisoner complaints, in addition to following up coordination with the relevant official parties to draft the relevant plans, studies and legislation.

103. The Ministry's Department of Forensic Medicine conducts examinations to detect torture of inmates in correctional and rehabilitation centres and detention facilities.

104. Among the achievements of the Ministry of Justice was the signature of a memorandum of understanding with the Treatment and Rehabilitation Centre for Victims of Torture on improving the capacities of human rights and legal staff to document allegations of torture and other violations in Palestine with the General Directorate of the Police. The goal was cooperation to facilitate implementation of the provisions of the Correctional and

Rehabilitation Centres Act, and to study ways of improving operations in compliance with international standards for prisoners.

105. The Ministry of Justice and the Italian Agency for Development Cooperation signed a memorandum of understanding to support a human rights unit as part of a training programme on monitoring correctional and rehabilitation centres and compliance with international instruments.

#### **4. Office of the Public Prosecutor**

106. The human rights unit of the Office of the Public Prosecutor is working to mainstream and instil principles and standards of international law. It operates in accordance with the provisions of the Basic Law and the national justice sector strategy for 2018-2022, and in the context of a comprehensive vision for the State of Palestine after it had acceded to numerous treaties and protocols and join various international organizations. The office has prepared a handbook on operating procedure and another on the competencies of its various departments, divisions and branches, to be used in workshops for prosecutors and staff. The unit provides training courses to meet the needs of prosecutors in areas of their work relevant to international agreements to which the State of Palestine is a party, especially as regards juvenile justice, gender equality and guarantees for fair trials.

107. It develops and prepares methods and standards for monitoring prisons and detention facilities to ensure compliance with human right standards under the Mandela Rules. It ensures follow-up of periodic inspections of prisons and detention facilities. It prepares relevant reports and monitors violations so that they can be addressed in accordance with procedures and the law. It conducts its work through prosecutors' offices throughout the governorates.

108. It investigates complaints, including complaints submitted electronically and any complaints having to do with torture and maltreatment.

#### **5. Ministry of Health**

109. In accordance with the provisions of the Public Health Act, the Ministry of Health provides mental health services at 14 community clinics in health directorates in the West Bank. They include a centre specializing in the psychological health of children and adolescents. Mental and psychological health services are also offered at the Bethlehem Psychiatric Hospital. Health services are also provided to persons released from Palestinian correctional and rehabilitation centres. When needed, specialists are called in to examine, analyse and treat cases at correctional and rehabilitation centres. That is done in coordination with the General Directorate of Correctional and Rehabilitation Centres. These services are provided free of charge and are included in the Government health insurance scheme.

110. Government clinics also provide mental health services to persons who have been released from the prisons and detention facilities of the occupying Israeli authorities.

#### **6. Ministry of Social Development**

111. The Ministry of Social Development takes the lead in regulating and administering the social protection sector. It develops the relevant policies via active coordination and partnership with all relevant agencies. It carries out the tasks of monitoring, supervising and providing services to all the groups covered under the social protection sector in the State of Palestine.

112. The Ministry has assigned a special section within its organizational structure made up of qualified counsellors to supervise and follow-up conditions among prisoners of both genders in the correctional and rehabilitation centres. It offers the following services:

- It provides social welfare and psychological counselling services for inmates. These are provided to prisoners by a welfare counsellor during a visit to a correctional and rehabilitation centre. A qualified counsellor makes at least one weekly visit, during which he provides individual and group counselling services to inmates. He helps

them stay connected with the outside world and overcome any psychological problems from which they may be suffering.

- It organizes meetings and recreational activities for inmates on special social and national occasions.
- It provides cash assistance to a number of inmates who are suffering from economic hardship.
- It provides recommendations on home visits for prisoners who have demonstrated good behaviour.
- It helps inmates contact their families and it contacts family members about visiting their incarcerated relatives.
- It arranges visits by children to their mothers imprisoned in correctional and rehabilitation centres.

113. Activities have been conducted to promote the rule of law as part of the Justice and Security for the Palestinian People programme (SAWASYA) with the support of UN-Women. Women inmates in correctional and rehabilitation centres in Jericho, Ramallah and Janin were supplied with personal items for themselves and their children, including basic hygiene supplies and other necessary items. First-class transportation was provided for their families.

114. A special department has been established to protect children victims of violence, abuse and neglect, as well as children who have committed violations of law. It is staffed by qualified counsellors, who follow up cases of juvenile delinquency in accordance with the 2016 decree-law on protecting juveniles. There is also the 2017-2020 strategy for protecting juveniles, which was drafted in cooperation with partners in the juvenile justice sector. It provides for the needs of the centres, including special standards for the court developed by House of Hope that meet international standards. There is also a code of conduct for people who work with children and juveniles in coordination with juvenile welfare centres and local community institutions that offer vocational training to juveniles.

115. The Ministry of Development also provides centres for the protection of children victims of violence, abuse and neglect. Those centres provide care, protection and psychological support services for children. The Ministry also provides centres for the care and protection of juvenile delinquents, such as House of Hope in Ramallah. In that connection, the Ministry has prepared an instructional handbook for juvenile centres. It provides detailed instructions on handling juveniles from the moment they are taken in by a centre to the moment they leave.

116. A special unit was established to protect and enable marginalized women, especially those who are victims of violence, and to provide shelter for women who are victims of violence and abuse, and whose lives are under threat. In the West Bank, there are three centres devoted to that purpose. One of them, the Mihwar Centre in Bethlehem, is affiliated with the Ministry of Social Development and operates under its supervision. The Ministry also oversees centres for the protection of women affiliated with non-governmental institutions. That includes three centres, two of which are in the West Bank and one of which is in the Gaza Strip.

117. These centres provide protection for women and children victims of violence and empower the Palestinian family and society in general. Operation of the protection centres is covered by the 2011 statute for the protection centres and 2013 national referral system. A national team was formed to ensure implementation of the statute by all partners. A handbook was prepared to clarify roles and ensure integrated operations based on human rights principles. Efforts are now under way to establish protection networks for women victims of violence in cooperation with partners, and in particular the Ministry of Women's Affairs and the Women's Centre for Legal Aid and Counselling. That includes the provision of health care free of charge for victims of violence and abuse in coordination with the Ministry of Health.

118. The Ministry also supervises and monitors the work of centres that provide residential and day services to persons with special needs, including monitoring the condition of residents.

119. With a view to coordinating Government and non-governmental efforts to ensure a life of dignity for persons with disabilities, a Presidential Decree was issued in 2012 amending the Presidential Decree of September 2010 concerning the Supreme Council for Persons with Disabilities. The Decree provides that the Council would consist of 16 agencies, including government agencies, civil society agencies, organizations of persons with disabilities and the private sector, together with the Independent Commission for Human Rights as an observer. It follows up implementation of the law and international agreements that the Palestinian Authority has acceded to concerning persons with disabilities.

120. The Ministry also supplies inclusiveness and disability counsellors in all the governorates. Their job is to provide protection, support and interventions in cases of violations committed against persons with disabilities.

#### Data on residential care centres in the West Bank

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
The Arab Orthodox Benevolent Society	Jerusalem, Ayzariyah, Zahr Burukah	Care and rehabilitation of persons with severe mental and motor disabilities	Persons with severe disabilities (motor, intellectual and mental) age 4 and up	65–70
Qubaybah Shelter	Jerusalem, Qubaybah, main road	Full care and shelter for older persons	Age 60 and up	35
Our Lady of Sorrows House	Jerusalem, Ra's Kabsah	Care and protection for older Palestinians (male and female) in Jerusalem; shelter, food and psychological care	Older Palestinians in and around Jerusalem, age 60 and up	43
Islamic Mercy Charitable Organization for the Elderly	Jerusalem, Jabal al-Mukabbir, old Bethlehem road	Elder care, including shelter, medical and food services; a life of dignity for older persons, especially those with no other source of care	Elderly persons (male and female) in Palestine age 60 and up	15
Russian Monastery, Maskub	Jerusalem, Al-Tur, across from Maqasid Hospital, Rabi'ah al-Adawiyah Street	Residential care for older and needy cases	Older women only Some residents under 60, in cases of need	40
Jil al-Amal Foundation	Ayzariyah, main street, near Jerusalem Health Directorate	Care, education, shelter, medical treatment, clothing and food for orphans and children with social issues	Orphans with social issues ages 5 to 12	45
The Arab Academy	Jerusalem, Abu Dis	Comprehensive care for orphan children and social hardship cases, including education, food, care and protection	Children ages 12 to 18	60 orphans 18 poor persons
Association of Friends of the Islamic Home for Orphans	Ras al-Bustan, Ayzariyah, behind the water tower	Care for orphan girls, including shelter, clothing, housing, food and academic and vocational education	Orphan girls and some social hardship cases age 5 and up	45

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
Industrial Islamic Orphanage	Ayzariyah, main street, near Jerusalem Health Directorate	Residential care and vocational education for orphan children and social hardship cases	Orphans and social hardship cases ages 6 to 18	50, with capacity for 200
Arab Children's Home Foundation	Jerusalem, Abu Ubaydah Amir bin al-Jarrah	Care and shelter for orphan Palestinian girls from poor backgrounds. Academic education and extracurricular activities	Orphan girls in need and schoolgirls ages 3 to 18	
Women's Federation Association, Birah	Birah, Madaris Street, across from the Birah municipality	Care and shelter for older women including healthcare and other services for older women	Elderly persons and special cases with no caregivers	20
Women's Federation Association, Ramallah	Ramallah, near Ramallah Government Hospital	Care for older persons, male and female	Older persons, male and female	22 older women 18 older men
Friends of the Blind Association	Birah, Jinan neighbourhood, Nur Street, across from the Ministry of Awqaf	Care for vision-impaired children Education services and assistive devices Provision of educational opportunities Awareness raising on visual impairment Integration of blind persons into society	Persons with visual disabilities ages 5 to 18	38 occupants receiving residential care 33 clients receiving daily services
Bayt al-Rifah villa	Ramallah and Birah, Sath Marhaba	Provision of social care and ensuring a life of dignity for older persons and social hardship cases Provision of living needs Health and health insurance services	Elderly persons and special cases ages 34 to 94	Approximately 25 occupants
Centre for Child Protection	Ramallah, Baytuniya, Old City	Protection and care for child victims of violence and broken homes	Children ages 6 to 18	25 to 30 annually
House of Hope Social Observation and Welfare Centre	Ramallah, Jaffa Street, across from the Abu Raya rehabilitation hospital	Care, protection, rehabilitation and shelter for juvenile delinquents ages 12 to 18	Juvenile delinquents ages 12 to 18 (arrested or under investigation)	Approximately 200 per year
Saint Nicholas Charitable Association for the Elderly	Near Zaytunah al-Siyahiyah, Jadawil Street, Bayt Jala	Care, shelter, treatment and rehabilitation for older people and Alzheimer patients	Elderly women aged 60 and up	30 occupants

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
Antonian Charitable Society	Saqa neighbourhood, Antonian Society street, Bethlehem, Izzah camp	Care, shelter, treatment and rehabilitation for older people and Alzheimer's disease patients	Male and female older persons ages 60 and up	Approximately 30 occupants
Mihwar Centre for Women's Protection	Bayt Sahur, Bayt Bassah, next to the Muhandisin residences	Protection, safety, rehabilitation and empowerment for women victims of violence, and protection for children of battered women  Reinforcing family and social relationships based on dialogue and acceptance of the other  Shelter services, social and legal counselling, rehabilitation, and various community-based prevention programmes	Married women victims of domestic and social violence age 18 and up, and married girls under 18  Children of battered women accompanying their mothers (females, and males under 12)	Approximately 60 women and 20 accompanying children
Home for Girls Foundation	Bayt Jala, education complex	Protection, care, shelter and rehabilitation for children and women victims of any kind of violence, abuse, exploitation, neglect or maltreatment that might threaten their safety or their physical or mental health; reintegration into the family or a protective environment	Girl victims of violence, abuse and exploitation ages 13 to 18	Approximately 20 occupants
Yamimah Foundation	Bayt Jala, 117 Sadr Street	<ul style="list-style-type: none"> <li>• Care for persons with complex mental disabilities</li> <li>• Development of work in the area of mental disability</li> <li>• creation of a safe environment for persons with disabilities</li> <li>• training and education for people in the villages around the city of Bethlehem in how to deal with any children they have who suffer from disabilities; the foundation also has a daytime centre for vocational training, education and other activities</li> </ul>	Children with severe mental and physical disabilities ages 3 to 20	Approximately 30 boys and girls with disabilities
National Society for the Vision Impaired	Bayt Jala, Amayir street, near Zaytunah village	Improving the quality of life of and enabling blind and visually impaired Palestinians by raising their cultural, intellectual, social and economic levels	Blind children ages 7 to 18	Approximately 18 male and female children
House of Hope association for the blind and persons with special needs	Bethlehem, Jerusalem–Hebron road, Bab al-Zuqaq, near the Bank of Jordan	Residential services, education and health care for the blind and persons with special needs	Blind children and young people and persons with moderate mental disabilities of both sexes ages 7 to 20	Approximately 30 male and female occupants
SOS Children's Villages	Bethlehem, Karkafah	Care, shelter and rehabilitation for children with no family caregivers and orphans	Children and young people of both sexes with no family caregivers ages 1 to 20	

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
Baby Jesus Bethlehem	Bethlehem, Muhafazah road, near Terra Sancta school	Care for children with physical and mental disabilities	Disabled children of both sexes up to age 15	32 male and female children
Arab Women's Union, Tulkarm	Tulkarm, western neighbourhood, behind Zakat hospital	Shelter and health and social care for children with disabilities	Children with moderate mental disabilities and Down's syndrome, boys and girls, ages 6 to 18	Ages 10 to 15
Arab Society for Orphans	Tulkarm, western neighbourhood, behind the municipal park	Childcare for orphans, shelter, food, health and social care, and education	Orphan children and children from broken homes, male and female Ages 6 to 18	Approximately 60 males and female children
Bayt al-Ajdad Society for the care of older people	Tulkarm, Dayr al-Ghusn, centre of town	Shelter and health and social care for older persons and persons with special needs of both sexes	Older persons and persons with special needs, male and female	Approximately 26 older persons
Centre for Child Protection	Tulkarm, Red Crescent Society	Shelter, health and social care, and protection for orphans, children of unknown parentage and battered children	Orphan children, children of unknown parentage and battered children: boys ages 1 day to 12 years and girls ages 1 day to 14 years	Approximately 30 male and female children
Home for the Elderly	Nablus, Rafidiyah, street 15	Healthcare and shelter for older persons of both sexes	Persons ages 60 and up	20 older persons, male and female
Home for Orphan Girls Foundation	Nablus, Headquarters of the Women's Union	Shelter for orphan girls	Orphan girls ages 6 to 10	25 children
House of Love and Harmony	Nablus, Rafidiyah, Marij street	Care and shelter for older persons	Elderly persons ages 60 and up	30 older persons
Mother Teresa mission	Nablus, old Najah street	Care and shelter for children with disabilities	Older persons and children with disabilities	15 male and female occupants
Al-Bayt al-Amin	Nablus, Ma'ajin, across from Al-Quds Open University	<ul style="list-style-type: none"> <li>• Protection and care for women victims of violence</li> <li>• Health, legal, psychological, educational and rehabilitative services</li> <li>• Strengthening and supporting the relationship between the client and her family, and establishing family relations based on respect for the rights of each individual member</li> <li>• Reintegration of the client into society in a manner that guarantees protection and a life of safety and dignity</li> </ul>	<p>Married women victims of domestic and social violence age 18 and up, and married girls under 18</p> <p>Adolescent children accompanying battered women (female children of all ages and male children up to the age of 12)</p>	Approximately 74 women and 8 adolescent children

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
Women's Emergency Protection Centre	Jericho, Amman street, near the Development Society	<ul style="list-style-type: none"> <li>• Specialized centre providing primary services to women victims of violence including examinations and diagnoses</li> <li>• Protection of women from all forms of violence, including legal and social services</li> <li>• Shelter for battered women for a period of no more than one month, except in exceptional cases</li> </ul>	<ul style="list-style-type: none"> <li>• Married women victims of domestic and social violence age 18 and up, and married girls under 18</li> <li>• Accompanying children of battered women (girls, and boys up to age 10)</li> </ul>	Approximately 25 women and children
Bayt al-Ajdad Centre for the care of older people	Jericho, Qasr Hisham Street, near the Jericho Governorate offices	<ul style="list-style-type: none"> <li>• Care and shelter for older persons of both sexes</li> <li>• Health services (physical and psychological), support mechanisms and counselling for older persons</li> <li>• Home care services for a number of older persons suffering from social and economic hardship</li> <li>• Day services for older people</li> </ul>	Older persons age 60 and up of both sexes	75 occupants are receiving shelter, and a number of others are receiving day services
Association for Justice for the Children of Martyrs	Jericho, Uqbat Jabr camp, Quds Street	Residential care, protection, psychological rehabilitation and vocational training for children and young people who are dropouts, children of persons in need and social hardship cases	Children and young people ages 11 to 17	Approximately 50
Al-Khalil Charitable Association Orphanage	Hebron, Duwayriban	Residential care, clothing, food, education, counselling and recreational services for male orphan children	Male orphan children ages 6 to 18	Approximately 150 children
Al-Khalil Charitable Association Orphanage	Hebron, Salam Street, Murabba'at Sabtah	Residential care, clothing, food, education, counselling and recreational services for female orphan children	Orphan girls ages 6 to 18	Approximately 180 children
Charitable Association for the Blind	Hebron, next to the Royal factory	Care and rehabilitation of blind children	Blind children ages 6 to 14	Approximately 60 male and female children
Ihsan Charitable Association	Hebron, Bi'r al-Mahjar	Comprehensive care and shelter for persons with mental disabilities	Persons with mental disabilities ages 16 to 60	Approximately 140
Apostolic School	Hebron, Ayn Sarah Street	Care and shelter for orphans and poor children	Orphans and poor children ages 6 to 14	Approximately 30
Home for the Elderly	Janin, Basatin neighbourhood	Care and shelter for older persons	Age 60 and up	
Association for the Care and Rehabilitation of the Blind	Janin, Suwaytat	Care, shelter, rehabilitation and education for blind children	Blind children	
Al-Ghadd Centre for Autism	Janin, Jabiriyat	Care for autistic children		

<i>Name of centre</i>	<i>Address of centre</i>	<i>Goals of centre</i>	<i>Target group</i>	<i>Yearly average</i>
Amal Charitable Association for the Deaf	Qalqiliyah, Kafr Saba neighbourhood, Salam Street	Care, rehabilitation, education, shelter and social integration for deaf children	Education for deaf children (boys and girls) ages 5 to 18	65 male and female occupants
Murabitat Charitable Association	Qalqiliyah, electricity project street, across from the former Civil Defence building	Care, education, rehabilitation and shelter for persons with disabilities, including mute and deaf persons	Residential services for deaf children Females ages 5 years and up Males ages 5 to 14	Approximately 25 occupants
Iman Home for the Care and Shelter of Children	Qalqiliyah - Kafr Saba neighbourhood, across from the Islamic kindergarten	Care, shelter, education and rehabilitation for orphan children and social hardship cases	Children ages 3 to 13 for males, and ages 3 and up for females	Approximately 35 male and female occupants
Dar al-Bayda' Centre	Salfit, centre of town	Care, shelter, protection and rehabilitation of children with mental disabilities	Children with mental disabilities Males ages 5 to 12 Females ages 5 to 15	30-35 boys and girls annually
Wafa Centre for the Elderly	Salfit, Madaris Street	Care, protection and shelter for older persons	Older women ages 60 and up	Approximately 11 older persons

#### Number of visits by counsellors and social workers (2014)

<i>Centre</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Type of visit</i>
Bethlehem	Ministry of Social Development	42	Psychosocial support
Janin	Ministry of Social Development	30	Psychosocial support
	Defence for Children International		Psychological and legal support for juveniles
Nabulus	Ministry of Social Development	52	Support, psychological catharsis and lectures
	Defence for Children International		Psychological and legal support for juveniles
	The Centre for Democracy and Conflict Resolution (3 visits)		Social intervention
Ramallah	Ministry of Social Development	31	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Psychological support
	Defence for Children International		Miscellaneous activities and interviews
Jericho	Ministry of Social Development	39	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Psychological support
	Defence for Children International		Miscellaneous activities and interviews

<i>Centre</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Type of visit</i>
Hebron	Ministry of Social Development	7	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Individual and group catharsis sessions
Tulkarm	Ministry of Social Development	31	Psychosocial support
	Defence for Children International		Psychological support

#### **Number of visits by counsellors and social workers (2015)**

<i>Centre</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Type of visit</i>
Bethlehem	The Ministry of Social Development	42	Psychosocial support
Janin	Ministry of Social Development	30	Psychosocial support
	Defence for Children International		Psychological and legal support for juveniles
Nabulus	Ministry of Social Development	52	Support, psychological catharsis and lectures
	Defence for Children International	3	Psychological and legal support for juveniles
	The Centre for Democracy and Conflict Resolution		Social intervention
Ramallah	Ministry of Social Development	31	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Psychological support
	Defence for Children International		Miscellaneous activities and interviews
Jericho	Ministry of Social Development	39	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Psychological support
	Defence for Children International		Miscellaneous activities and interviews
Hebron	Ministry of Social Development	7	Psychosocial support
	Treatment and Rehabilitation Centre for Victims of Torture		Individual and group catharsis sessions
Tulkarm	Ministry of Social Development	31	Psychosocial support
	Defence for Children International		Psychological support

#### **Number of visits by counsellors and social workers (2016)**

<i>Centre</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Type of visit</i>
Bethlehem	Ministry of Social Development	42	Psychosocial support
Janin	Ministry of Social Development	30	Psychosocial support
	Defence for Children International		Psychological and legal support for juveniles
Nabulus	Ministry of Social Development	52	Support, psychological catharsis and lectures
	Defence for Children International		Psychological and legal

<i>Centre</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Type of visit</i>
	The Centre for Democracy and Conflict Resolution	3	support for juveniles Social intervention
Ramallah	Ministry of Social Development Treatment and Rehabilitation Centre for Victims of Torture The global movement to defend the children	31	Psychosocial support Psychological support Miscellaneous activities and interviews
Jericho	Ministry of Social Development Treatment and Rehabilitation Centre for Victims of Torture Defence for Children International	39	Psychosocial support Psychological support Miscellaneous activities and interviews
Hebron	Ministry of Social Development Treatment and Rehabilitation Centre for Victims of Torture	7	Psychosocial support Individual and group catharsis sessions
Tulkarm	Ministry of Social Development Defence for Children International	31	Psychosocial support Psychological support

## **Article 11**

### **Interrogation rules, instructions and methods**

121. Legislation in force provides for legal guarantees with regard to methods used in the interrogation, arrest and treatment of detainees. That helps to prevent torture and inhuman treatment. We note in particular the provisions of article 11 of the Basic Law.<sup>20</sup>

122. The Code of Criminal Procedure defines interrogation as the detailed questioning of the accused in connection with the acts attributed to him, during which he shall be confronted with inquiries, questions and suspicions related to the accusation and asked to respond thereto. The Code restricts the authority to conduct interrogations in felony and misdemeanour cases to the Office of the Public Prosecutor. When the suspect appears for interrogation, the prosecutor must ascertain and confirm his personal details, including his name and identity. Then he may interrogate and question him about the charge made against him. The statements of the accused are recorded in the interrogation file. This all happens after he has undergone a physical examination and note has been made of all external injuries and the causes thereof. In addition, the necessary medical and psychological examinations are conducted on the suspect upon his demand, the demand of his attorney or the demand of the prosecutor.

123. The Code charges members of the Office of the Prosecutor with the task of supervising and overseeing officers of the court, as well as identifying and investigating crimes committed within their areas of competence. The Public Prosecutor has the right to request that the competent authorities take disciplinary action against anyone found to be in violation of their obligations or in dereliction of their duties, without prejudice to their further criminal accountability. Military judicial officers are subject to the authority of the Chief Military Prosecutor, as are all members of the Office of the Military Prosecutor. He has the authority to oversee judicial proceedings and supervise correctional and

<sup>20</sup> Article 11 provides as follows: 1. Personal freedom is an inalienable, guaranteed natural right. 2. no one may be arrested, searched, detained or have any restriction or prohibition placed on his or her freedom of movement, except by a warrant issued by a court in accordance with the law. The duration of pretrial detention is determined by the law and no one may be detained or imprisoned in places other than those subject to the laws regulating prisons.

rehabilitation centres and detention facilities in accordance with the provisions of articles 16 and 17 of the 1979 Code of Military Justice.

### **Government oversight**

124. The Correctional and Rehabilitation Centres Act (No. 6 of 1998), article 10, grants authority to oversee correctional and rehabilitation centres to the Minister of the Interior, the Minister of Justice, the Public Prosecutor and the Justices of the Supreme Court. They are supposed to make sure that health and living conditions in detention facilities and correctional and rehabilitation centres meet the requirements stipulated in laws and international instruments and that the rights of inmates and detainees are protected, including their right to continuous attention to their health, their right to their sleeping quarters and cells inspected periodically by a doctor and the right to be transferred to a clinic or hospital when necessary. The Act also grants the Minister of the Interior the right to coordinate with the Minister for Social Development in the appointment of qualified inspectors and social workers to study the psychological and social condition of inmates.

125. Article 354 of the 1979 Code of Procedure of Revolutionary Criminal Tribunals provides that members of the Office of the Public Prosecutor are accessories to the crime of deprivation of freedom and should be prosecuted if they neglect their duty to oversee correction centres. The Code stresses the individual responsibility of members of the Office of the Prosecutor to ensure that rights and freedoms are protected and their obligation to inspect places of detention. That duty is confirmed by article 126 of the Code of Criminal Procedure and article 70 of the Judiciary Act (No. 1 of 2002).

126. The Executive Authority has issued several sets of standing instructions urging officials to comply with laws and instructions issued to ensure the right of detainees and inmates to dignified living conditions in which their rights are protected. Those instructions include their right not to be subject to torture or inhuman or degrading treatment. Those sets of instructions include the following:

- Instructions issued by the President the State of Palestine on 13 September 2009 addressed to all agencies that detain persons. Those instructions stressed the need to refrain from any form of torture and all practices that violate human rights and dignity. They have been circulated to the heads of the security agencies.
- Decision No. 149 of 2009 concerning compliance by the security services with rules and standards for treating detainees. Article 1 of that Decision provides that all members of security services must comply with legal provisions regarding arrest, detention and search, and must respect the human rights, public freedoms and human dignity of detainees. Article 2 provides that all detainees shall at all times be treated humanely by the security services and with respect for their basic human dignity. They may be detained only in properly equipped detention centres that meet all health requirements. Under article 3 of that Decision, members of the security services are under an obligation to refrain from permitting or approving any physical or psychological punishment of detainees, and also to refrain from taking part in any kind of torture of detainees.
- Decision No. 172 issued by the Minister of the Interior on 17 September 2009 concerning security detainees in Junayd prison in the city of Nablus. That decision provides that for the purposes of operation and in the public interest, the interrogation system should be reformed and no form of torture or any other method that detracts from human dignity should be employed. The detention system should be reformed, and detainee contentions should be improved, including food, medical services, lodging and recreation.
- Decision No. 192 issued by the Minister of the Interior on 1 December 2009 concerning disciplinary offences committed by members of the Palestinian security forces that involve harming, torturing or abusing others in violation of humanitarian values and legislation in force. First-degree violations are punishable by the administrative penalty of separation from service.

- Circular No. 6 of 2010 issued on 19 April 2010 by the Director-General of the Palestinian police prohibiting the use of violence, torture or any other form of cruel or degrading treatment when dealing with citizens.
- The written instructions issued by the heads of the security agencies to law enforcement officials urging them to comply with legal procedures when apprehending, detaining, interrogating, searching or taking statements from suspects, or remanding them for prosecution. The instructions also stressed the need to take measures to prevent detainees from being subjected to torture or maltreatment.
- The instructions issued by the Military Prosecutor General to military prosecutors requiring them to visit and inspect correctional and rehabilitation centres and detention facilities at least once per month, submit reports, and provide monthly disclosures of the names of detainees. He also issued instructions prohibiting detention, or any other form of confinement outside of correctional and rehabilitation centres.
- The administrations of all the security agencies intend to approve and adopt codes of conduct governing the conduct of their members that will ensure proper treatment of detainees and suspects. The codes require compliance with legal provisions and human rights principles when conducting any legal procedures and when dealing with detainees, especially during apprehensions, detentions and searches. They also stressed the need to refrain from excessive use of force.
- The organizational structure of each of the law enforcement agencies includes a department for the receipt and consideration of complaints. That includes complaints about torture or maltreatment. That is in addition to a department of inspection and supervision. The State of Palestine has tried to strengthen the oversight mechanisms for enforcing rules on detention, preventive detention and the treatment of detainees with a view to preventing any instances of torture or inhuman treatment.
- Human rights units have been created in ministries and Government departments. That includes complaints departments at the Ministry of the Interior and the Ministry of Justice. Those departments receive and address complaints from citizens on human rights matters in general and torture in particular.

Supervision of detention facilities is carried out through surprise visits that are conducted regularly by inspectors from the Palestinian Ministry of Justice. They send their observations to the Ministry of the Interior, the director of the relevant correctional centre and the director of the police on an ongoing basis.

#### **Inspection of correctional and rehabilitation centres by Government agencies**

<i>Agency</i>	<i>Year</i>	<i>Number of visits to General Intelligence detention facilities</i>	<i>Number of visits to Military Intelligence detention facilities</i>	<i>Number of visits to Preventive Security detention facilities</i>
Office of the Public Prosecutor/senior prosecutors	2014	24	Monthly periodic visits	Monthly periodic visits
	2015	24	Monthly periodic visits	Monthly periodic visits
	2016	24	Monthly periodic visits	Monthly periodic visits
	2017	24	Monthly periodic visits	Monthly periodic visits
	2018	24	Monthly periodic visits	Monthly periodic visits

#### **Oversight of correctional and rehabilitation centres by Government agencies/police**

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
Ministry of Justice	2015	1
	2017	2

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
Supreme Judicial Council	2014	14
	2015	16
	2016	15
	2017	19
Office of the Public Prosecutor/senior prosecutors	2014	14
	2015	11
	2016	25
	2017	36

### **Civil oversight**

127. Pursuant to the Palestinian Basic Law, article 31, and Presidential Decree No. 59 of 1994, the Independent Commission for Human Rights was granted the authority to monitor and ensure that the basic requirements for the protection of human rights are incorporated in all Palestinians laws, legislative acts and regulations, and are observed in the operation of the agencies and institutions of the State of Palestine. That Commission handles cases and complaints involving any human rights violations committed against citizens by the executive authority. It conducts periodic inspection visits to detention facilities and correctional and rehabilitation centres to make sure that there are no legal violations.

128. The Ministry of the Interior and the Independent Commission signed a memorandum of understanding to facilitate the work of the Independent Commission's inspectors during their visits to correctional and rehabilitation centres and detention facilities, and to guarantee that they can exercise their periodic supervision authority, on the understanding that the Commission will record its observations and inquiries, and submit them to the director of the prison and the Minister of Interior.

129. The Ministry of the Interior and Palestinian civil society institutions signed several memorandums of understanding allowing the latter to visit and inspect places of detention and correctional and rehabilitation centres, view prisoner conditions and talk and listen to prisoners. One of those institutions is the Treatment and Rehabilitation Centre for Victims of Torture. There have also been a number of oral understandings between the heads of security agencies and the Al Haqq organization, as well as other organizations, on conducting surprise inspection visits to detention facilities.

130. Among the initiatives of the State of Palestine for cooperation with international human rights organizations, we note the agreement that was signed by the Ministry of the Interior and the International Committee of the Red Cross and the agreement that was signed by the Ministry of the Interior and the Office of the High Commissioner for Human Rights in Palestine. Those agreements grant those two institutions the authority to visit all correctional and rehabilitation centres and detention facilities, view conditions of detention, interview detainees without a representative of the correctional centre present and submit observations and recommendations to the relevant authorities.

### **International oversight**

131. On 28 December 2017, the State of Palestine signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby demonstrating the seriousness of its political will to prevent torture and ensure accountability in that regard. It is one of the most important steps taken by the State of Palestine since its accession to the United Nations human rights treaties in 2014. Thereafter, the Palestinian Government announced its commitment to establishing an independent national mechanism for the prevention of torture, as stipulated by the Optional Protocol. The core mandate of the mechanism will be to visit all places of detention in order to prevent torture and ensure that living and health conditions in them are proper, and to coordinate with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It can also make visits to Palestinian correctional and rehabilitation centres. The State of Palestine is currently working with national and

international partners, including Palestinian civil society organizations, to set up the mechanism.

132. On 7 March 2019, the Subcommittee on Prevention of Torture sent a letter announcing its intention to visit the State of Palestine in accordance with articles 11/1 (b/i) and 13/2 of the Optional Protocol. It also requested the State of Palestine to supply it with information and data on places of detention. The visit was to take place between 5 and 12 April 2019. The State of Palestine assigned a contact person for the Subcommittee to make arrangements for the visit and submitted the requested data and information. However, on 5 April 2019, the Office of the High Commissioner for Human Rights in occupied Palestine informed the Palestinian Ministry of Foreign Affairs and Expatriates that Israel, the occupying Power, had refused to grant entry visas to the members of the Subcommittee. That prevented them from making their visit and thereby deprived Palestine of its right to receive recommendations from the Subcommittee on Prevention of Torture that might have made a major contribution to improving Palestinian detention facilities and correctional and rehabilitation centres. In keeping with the political will of the State of Palestine to combat torture in cooperation with local partners from civil society institutions (especially rights organizations), as well as international partners (above all the Subcommittee on Prevention of Torture), the State of Palestine hereby renews its invitation to the Subcommittee on Prevention of Torture to visit the State of Palestine.

#### **Inspection visits to correctional and rehabilitation centres by the Independent Commission for Human Rights**

<i>Year</i>	<i>Number of visits to intelligence services detention facilities</i>	<i>Number of visits to police detention facilities</i>
2014	156	93
2015	156	96
2016	156	118
2017	156	114

#### **Inspection visits of intelligence services correctional and rehabilitation centres by local civil society institutions**

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
Hurriyyat Centre	2014	132
	2015	144
	2016	132
	2017	156
Al-Haqq	2014	114
	2015	78
	2016	114
	2017	126

#### **Inspection visits to intelligence services correctional and rehabilitation centres by international organizations**

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
International Committee of the Red Cross	2014	156
	2015	156
	2016	156
	2017	156
	2018	156

### Inspection visits to police correctional and rehabilitation centres by international organizations

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
International Committee of the Red Cross	2014	44
	2015	65
	2016	35
	2017	47
Office of the High Commissioner for Human Rights	2014	0
	2015	1
	2016	0
	2017	2

### Regulation of places of confinement and detention

133. The Basic Law provides that imprisonment or detention is permitted only in places that are subject to the laws regulating prisons. Articles 1-3 of the Correctional and Rehabilitation Centres Act provides that such centres shall be established and their locations determined by decision of the Ministry of the Interior. They are attached to the Ministry and are overseen and supervised by the General Directorate of Correctional and Rehabilitation centres. Article 125 of the Code of Criminal Procedure prohibits the confinement of any person anywhere other than correctional and rehabilitation centres and places of detention designated by law.

134. Articles 1 and 9 of the Decree-Law on preventive security grant the Minister of the Interior the authority to establish fixed detention facilities affiliated with the General Directorate of Preventive Security independent of the correctional and rehabilitation centres, provided that he keeps the Minister of Justice and the Public Prosecutor informed of their status and any alterations made to them. Those articles also stipulate that those centres are to be treated as legal detention facilities run by preventive security personnel. In that connection, we note that the State of Palestine does not have non-public or secret prisons. However, Israel, the occupying Power, has set up illegal prisons on Palestinian territory that are not subject to any human rights standards. Israel also perpetrates all kinds of violations against Palestinians arrested by the occupying forces. In addition, the illegal settlements contain numerous detention facilities in which torture and abuse are practiced with complete impunity.

### Qualifications for law enforcement personnel and correctional and rehabilitation centre staff

135. Article 86 of the Basic Law provides that the appointment of all public officials in the State, whether civilian or military, and the conditions of their employment must be in accordance with the law. The provisions of the Palestinian Security Forces Service Act are applicable to persons responsible for the confinement and protection of detainees. They are security officials appointed to military service. This is provided that there is no legislation containing other special provisions regulating their work as a special category. The Palestinian Security Forces Service Act specifies as conditions for the appointment of military personnel that they must not have been convicted by a court or disciplinary committee for a dishonourable act, even if they were subsequently reinstated or covered under a general amnesty, and that they be of good conduct, good reputation and medically fit for the post.

136. Articles 107 and 108 of the Basic Law provide that the Public Prosecutor shall be appointed by the President on the recommendation of the Supreme Judicial Council. The law specifies the conditions for their appointment. Articles 16, 61 and 63 of the Judiciary Act provide that anyone appointed as a prosecutor must not have been convicted by a court or disciplinary committee for a dishonourable act, even if they were subsequently reinstated or covered under a general amnesty, that they be of good conduct and good reputation, that

they terminate any membership of any political party or organization, and that they be proficient in the Arabic language.

### **The condition of correctional and rehabilitation centres in the West Bank**

137. There are three types of detention facilities in the West Bank, depending on period of detention and affiliation. The first type are permanent detention facilities. Persons are placed in them in accordance with the Correctional and Rehabilitation Centres Act. They are affiliated with the General Directorate of Correctional and Rehabilitation Centres. Living conditions and other aspects of those centres are subject to the provisions of the Correctional and Rehabilitation Centres Act. The second type are temporary detention facilities (police holding facilities) where people are held for no more than 24 hours. They are subject to oversight by the police directorate where the facility is located. Detention conditions in those centres are subject to the provisions of the Palestinian Code of Criminal Procedure. The third type are detention facilities affiliated with the security services. Those facilities are affiliated with one of the security services in the West Bank, which are Preventive Security, General Intelligence and Military Intelligence.

138. There are 13 detention facilities affiliated with Preventive Security. That service has a main detention centre in each governorates of the West Bank where suspects are held and interrogated. Those centres are subject to central oversight by the service's General Directorate in Ramallah. They are not subject to judicial oversight. However, they are subject to periodic visits from the Independent Commission for Human Rights and the International Committee of the Red Cross.

139. There are 11 centres affiliated with the General Intelligence Service. That service has a main detention centre in each governorate of the West Bank, with the exception of Jericho, where the central detention and interrogation facility is attached to the Jericho detention facility. Suspects are held and interrogated in those centres. Those centres are subject to central oversight by the service's General Directorate in Ramallah.

140. The detention and interrogation procedures of the Military Intelligence Service are conducted in accordance with the memorandum issued by the Military Prosecutor. Detention of suspects may be extended in accordance with the 1979 Revolutionary Act. They are military personnel and are brought before military courts. From a legal standpoint, there is no law that deals specifically with the arrest and detention of military personnel by the Military Intelligence Service. There are instructions issued by the President of the State of Palestine on 10 July 2011, which were circulated to all the security services. Those instructions require all soldiers brought up on military or criminal charges to be remanded to the Military Intelligence Service. The Minister of the Interior and National Security also issued instructions on 19 August 2007 that require soldiers accused of offences to be remanded to the Military Intelligence service. They were circulated to the heads of the security agencies. From an administrative standpoint, this kind of detention is subject to oversight by the Ministry of the Interior.

### **Preventive Security detention facilities**

	<i>Governorate</i>	<i>Detention centre</i>
1	Ramallah	General Headquarters detention facility
2	Hebron	Hebron Directorate detention facility
3	Bethlehem	Hebron Directorate detention facility
4	Jericho	Jericho detention facility
5	Janin	Janin Directorate detention facility
6	Tulkarm	Tulkarm Directorate detention facility
7	Qalqilyah	Qalqilyah Directorate detention facility
8	Salfit	Salfit Directorate detention facility

	<i>Governorate</i>	<i>Detention centre</i>
9	Tubas	Tubas Directorate detention facility
10	Nabulus	Nabulus Directorate detention facility North detention facility (Junayd)
11	Zahiriyah	South detention facility

### **Police detention facilities**

	<i>Governorate</i>	<i>Names of detention facilities</i>
1	Jerusalem	Suburban Police Directorate holding facility
2	Bethlehem	Bethlehem Correctional and Rehabilitation Centre Governorate Police Directorate holding facility Criminal Investigations holding facility Bayt Fajjar Police Station holding facility Bayt Sahur Police Station holding facility Ubaydiyah Police Station holding facility Bayt Jala Police Station holding facility Directorate juvenile holding facility
3	Ramallah	Ramallah Correctional and Rehabilitation Centre Governorate Police Directorate holding facility Dar al-Amal juvenile welfare home/Ministry of Social Development
4	Janin	Janin Correctional and Rehabilitation Centre, and women's prison Janin Governorate Police Directorate holding facility Arrabah Police Station holding facility Jalqamus Police Station holding facility Yamun Police Station holding facility Maythalun Police Station holding facility Zababidah Police Station holding facility Jaba' Police Station holding facility

	<i>Governorate</i>	<i>Names of detention facilities</i>
5	Hebron	Zahiriya Correctional and Rehabilitation Centre Halhul Police Station holding facility Sa'ir Police Station holding facility Bani Na'im Police Station holding facility Yata and Samu' Police Station holding facility Dura Police Station holding facility Zahiriya Police Station holding facility Nuba Police Station holding facility Idhna Police Station holding facility Juvenile holding facility Investigations holding facility Women's holding facility
6	Nabulus	Nabulus Correctional and Rehabilitation Centre City centre holding facility Investigations holding facility Aqraba Police Station holding facility Tall Police Station holding facility Northern Asirah Police Station juvenile holding facility
7	Tulkarm	Tulkarm Police Station holding facility Juvenile holding facility Anti-drug holding facility Bayt Lid Police Station holding facility Tulkarm Correctional and Rehabilitation Centre
8	Qalqiliyah	Governorate Police Directorate holding facility Juvenile holding facility Women's holding facility Kafr Zibad and Kafr Thulth Police Station holding facility (out of operation due to lack of medical facilities)
9	Tubas	Governorate Police holding facility Juvenile holding facility Tamun Police Station holding facility
10	Jericho and the Jordan Valley	Jericho Correctional and Rehabilitation Centre and separate women's wing Police Directorate holding facilities, with separate juvenile facility
11	Salfit	Detention centre in the city police station, also contains juvenile holding facility

**General Intelligence detention facilities**

	<i>Governorates</i>	<i>Names of detention facilities</i>
1	Hebron	Intelligence Service detention facility
2	Bethlehem	Intelligence Service detention facility
3	Ramallah and Jerusalem	Intelligence Service Detention Centre
4	Nabulus (Junayd prison)	Intelligence Service detention facility
5	Tubas	Intelligence Service detention facility
6	Salfit	Intelligence Service detention facility
7	Tulkarm	Intelligence Service Detention Centre
8	Qalqilyah	Intelligence Service detention facility
9	Janin	Intelligence Service detention facility
10	Jericho	Intelligence Service detention facility
11	Jericho	Central Intelligence detention centre

**Military Intelligence detention facilities**

<i>Number</i>	<i>Governorates</i>	<i>Names of detention facilities</i>
1	Nabulus	Military correctional and rehabilitation centre Nabulus Intelligence detention facility
2	Jericho	Military correctional and rehabilitation centre
3	Ramallah	Ramallah/Umm Sharayit Intelligence detention facility
4	Janin	Janin Intelligence detention facility
5	Tulkarm	Tulkarm Intelligence detention facility
6	Qalqilyah	Qalqilyah Intelligence detention facility
7	Tubas	Nabulus Intelligence detention facility
8	Salfit	Salfit Intelligence detention facility
9	Bethlehem	Bethlehem Intelligence detention facility
10	Hebron	Hebron Intelligence detention facility

**Number of detainees in correctional and rehabilitation centres (2014–2017)**

<i>Centre</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Female</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>
Bethlehem	1 011	50	1 034	43	1 001	49	683	38
Janin	2 526	75	2 226	71	1 590	60	1 210	98
Nabulus	3 035	0	1 905	0	1 744	0	1 174	0
Ramallah	2 453	67	1 465	73	1 278	84	1 058	72
Jericho	1 111	22	1 136	27	869	38	628	40
Hebron	972	0	574	0	578	0	481	0

<i>Centre</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Female</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>
Tulkarm	1 265	0	1 052	0	864	0	499	0
<b>Total</b>	<b>12 373</b>	<b>214</b>	<b>9 392</b>	<b>214</b>	<b>7 924</b>	<b>231</b>	<b>5 733</b>	<b>248</b>
<b>Grand total</b>	<b>12 587</b>		<b>9 606</b>		<b>8 155</b>		<b>5 981</b>	

#### Number of detainees sentenced to correctional and rehabilitation centres (2014-2017)

<i>Centre</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Female</i>	<i>Males</i>	<i>Females</i>
Bethlehem	457	23	531	16	466	12	297	22
Janin	1 096	23	1 016	22	763	29	664	41
Nabulus	1 517	0	835	0	805	0	512	0
Ramallah	1 087	14	573	21	568	32	482	22
Jericho	507	7	569	13	419	20	286	17
Hebron	449	0	261	0	251	0	179	0
Tulkarm	503	0	452	0	382	0	209	0
<b>Total</b>	<b>5 616</b>	<b>67</b>	<b>4 237</b>	<b>72</b>	<b>3 654</b>	<b>93</b>	<b>2 629</b>	<b>102</b>
<b>Grand total</b>	<b>5 683</b>		<b>4 309</b>		<b>3 747</b>		<b>2 731</b>	

#### Number of detainees held in and sentenced to correctional and rehabilitation centres (2014–2017)

<i>Year</i>	<i>No. of detainees</i>	<i>No. of convicted persons</i>
2014	190	498
2015	267	496
2016	322	575
2017	327	605
2018	49	112

#### The condition of correctional and rehabilitation centres in the Gaza Strip

141. The Ministry of the Interior in the Gaza Strip has established a number of detention facilities in various governorates in the Gaza Strip to alleviate overcrowding in the main centres. Those facilities are as follows:

- The Southern District correctional and rehabilitation centre located in Khan Yunus Governorate, where prisoners from the southern governorates of the Gaza Strip (Rafah and Khan Yunus Governorates) are housed;
- The Central District correctional and rehabilitation centre located in Central Governorate, where prisoners from Central Governorate are housed;
- The North Gaza correctional and rehabilitation centre located in the town of Bayt Lahiya in North Gaza Governorate, where prisoners from North Gaza Governorate (Jabaliyah, Bayt Lahiya and Bayt Hanun) are housed.

142. In all the correctional and rehabilitation centres in the Gaza governorates, prisoners are taken in based on orders from the Office of the Public Prosecutor or the competent courts. That happens after they have been arrested in accordance with procedure. They may also be taken in based on a judicial ruling from the competent court. The operation of all the centres is overseen by male and female officers and police personnel from the General Directorate of Correctional and Rehabilitation Centres.

### Violations perpetrated by the Israeli occupiers against Palestinian security and law enforcement institutions and personnel

143. Israeli violations against Palestinian security and law enforcement institutions and personnel are standing in the way of the rule of law in the State of Palestine. Ever since Israel began its occupation of Palestinian territory, it has been trying to undermine the Palestinian justice and security sector. It has enacted racist laws that infringe on the sovereignty of the State of Palestine. That is in addition to the direct violations it perpetrates on the ground. Most notably, it has targeted Palestinian security, justice and law enforcement institutions and arrested and imprisoned their personnel.

### Israeli violations committed against State of Palestine institutions and their personnel in 2014

#### Arrest of military personnel

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
No. of detainees	14	5	19	15	24	8	13	23	121

#### Raiding of homes of military personnel

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
No. of raids	45	8	53	91	46	11	26	79	359

#### Clashes with Palestinian security forces

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
Number of clashes	11	3	43	23	33	12	15	51	191

### Israeli violations committed against State of Palestine institutions and their personnel in 2015

#### Arrest of military personnel

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
No. of detainees	8	8	10	21	28	10	11	16	112

#### Raiding of homes of military personnel

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
No. of raids	27	20	63	76	29	6	22	52	295

#### Clashes with Palestinian security forces

Governorate	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
No. of clashes	14	4	18	45	28	29	11	31	180

**Israeli violations committed against State of Palestine institutions and their personnel  
in 2016**

*Arrest of military personnel*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of detainees</i>	11	12	7	21	34	6	7	14	112

*Raiding of homes of military personnel*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of raids</i>	21	38	49	65	26	8	26	49	282

*Clashes with Palestinian security forces*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of clashes</i>	17	30	26	30	27	10	8	22	177

**Israeli violations committed against State of Palestine institutions and their personnel  
in 2017**

*Arrest of military personnel*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of detainees</i>	9	10	9	25	27	7	11	11	109

*Raiding of homes of military personnel*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of raids</i>	27	7	29	26	25	14	25	43	196

*Clashes with Palestinian security forces*

<i>Governorate</i>	Janin and Tubas	Tulkarm	Qalqilyah and Salfit	Nablus	Ramallah and Jerusalem	Jericho and the Jordan Valley	Bethlehem	Hebron	Total
<i>No. of clashes</i>	5	13	13	21	30	5	19	28	134

**Article 12  
Investigation procedures**

144. Palestinian legislation in force ensures that any incident or anyone accused of torture is investigated promptly and impartially, in accordance with article 12 of the Palestinian Basic Law, which provides that the accused must be tried without delay. With regard to criminal investigations, the Office of the Public Prosecutor alone has the authority to initiate criminal proceedings under article 1 of the Code of Criminal Procedure, which

grants the power to institute proceedings to the Public Prosecutor or a prosecutor within the Office of the Public Prosecutor. Pursuant to article 56, the Office of the Public Prosecutor must initiate and complete the investigation and then commence proceedings as soon as it becomes aware that the crime has been committed. Under articles 18-21 of the Revolutionary Criminal Code, the Military Prosecutor General and his deputies are authorized investigate crimes committed by military personnel as soon they become aware of the commission thereof and to take the measures required by law.

145. With regard to disciplinary investigations, we referred earlier in this report to the provisions of the Palestinian Security Forces Service Act and the Civil Service Act related to the opening of an investigation, and also to the provisions concerning which authorities have the power to order that an investigation be conducted, the composition of investigative and disciplinary commissions, and suspension of employees who are being investigated. We have also provided information on procedures currently in effect, including the ability to conduct medical examinations without delay and the availability of forensic expertise.

146. Persons who have been tortured or maltreated may lodge a complaint directly with the security services, the legislative and governmental oversight authorities, or the relevant civil society organizations. They may also lodge a complaint with the Independent Commission for Human Rights, which treats with great seriousness any allegations received concerning maltreatment or torture during arrest or detention. It seeks to verify claims by requesting medical reports, conducting physical examinations of complainants and hearing witnesses. When the Independent Commission is convinced that an allegation is genuine, it communicates and corresponds with the director of the relevant agency. The Independent Commission has received many written responses from the security services with regard to several complaints. The quality of the responses from the security agencies has improved, in particular those provided by police in the West Bank.

## **Article 13**

### **Lodging and addressing complaints**

147. The State of Palestine guarantees any person who has been tortured or subjected to maltreatment or inhuman treatment in its territory the right to lodge a complaint with the competent authorities and agencies. The State also guarantees the right of such persons to have their complaints considered seriously, expeditiously and impartially. Looking at the procedures in effect, the nature of complaints made and the organizational structures of the law enforcement agencies, we find that those agencies are constantly evolving thanks to the strong desire of the State to protect rights and fulfil its obligations under the Convention.

148. Under Palestinian law, certain authorities are authorized to visit and inspect Palestinian correctional and rehabilitation centres, as stated earlier in the report. Under article 12, the Director-General of the correctional and rehabilitation centres must review and inspect all detention centres periodically. Moreover, under article 18, the Director-General is authorized to accept complaints from inmates and make comments. That same article provides that inmates have the right to lodge a complaint or make a request, which is then entered into a special register and sent to the competent authority, and it provides that the response thereto shall be conveyed immediately upon receipt.

### **Judicial disputes**

149. Judicial remedies can be sought through the Public Prosecutor and the courts, the independence and impartiality of which are guaranteed under the Basic Law. Article 6 of the Basic Law provides that the rule of law is the basis of governance in Palestine, and that all organs, agencies, institutions and persons are subject to the law. Moreover, article 9 provides that Palestinians are equal before the law and the judiciary, without discrimination on the grounds of race, sex, colour, religion, political opinion or disability, while article 30 provides that the right to litigate is guaranteed to all people, that all Palestinians have the right of recourse to the courts and that judicial proceedings shall be regulated by law so as to ensure that cases are settled expeditiously.

150. Pursuant to articles 1 to 7 of the Code of Criminal Procedure, the victim of an act of aggression, torture, maltreatment or inhuman treatment has the right to lodge a complaint with the competent judicial authorities (Office of the Public Prosecutor). Under article 22 of the Code, judicial police commissioners are authorized to receive reports and complaints about crimes, which they must refer to the Office of the Public Prosecutor without delay. They are also authorized to conduct inspections and obtain the information and clarifications required to facilitate investigations, and to consult specialized experts. Article 23 of the Code furthermore provides that judicial police commissioners must provide the competent court with any transcripts and items seized that are relevant to the offence and that they must follow up thereon with the court. Once the investigation of a complaint has been concluded, the Office of the Public Prosecutor must act upon the outcome, whether that be that the act is not punishable or that the case should be kept on file. In the latter case, the prosecutor must submit his opinion on the matter to the Public Prosecutor by means of a memorandum. If the act is deemed to be a violation, the case is referred to a justice of the peace, and if it is deemed to be a misdemeanour, it is referred to the competent court. However, if the act constitutes a felony, the accused is indicted and the case is referred to the Public Prosecutor or one of his deputies.

151. Article 127 of the Code of Criminal Procedure provides that a detainee or prisoner has the right to file a written or oral complaint with the Office of the Public Prosecutor through the director of the correctional and rehabilitation centre, who must accept the complaint and, after entering it into a special register maintained at the centre, forward it to the Office of the Public Prosecutor. Under article 153 of the Code, the complainant has right to appeal against the decision to keep a case on file by making a request to the Public Prosecutor, who must take a decision thereon within one month of its submission. The complainant may appeal against the decision of the Public Prosecutor with the competent court that is hearing the case, the decision of which shall be final. In any event, the Public Prosecutor may reopen the case file if new evidence becomes available or the perpetrator is identified.

152. Articles 40-51 of the Revolutionary Code of Criminal Procedure (1979) set out the procedures for making, investigating and referring complaints. The victim of a felony or misdemeanour may submit a complaint to the Public Prosecutor, who must initiate an investigation immediately. If the Public Prosecutor determines that the complainant does not set out clear reasons, that the perpetrator is unknown or that the documents provided by the complainant do not support adequately the complaint, he must initiate an investigation in order to identify the perpetrator. The Revolutionary Code, in its article 103, enumerates the decisions that the Public Prosecutor can take upon completing investigation of a complaint. He may halt prosecution, order that further investigations be conducted or refer the accused to his commander, if the act constitutes a disciplinary offence. If the Public Prosecutor concludes that the act is a felony or misdemeanour, he will then indict the accused and refer him to the competent court. The decisions of the Public Prosecutor in such matters may be challenged within five days before the Chief Military Justice.

### **Administrative disputes**

153. The State of Palestine has strived to enhance the effectiveness of the complaints units of government ministries, institutions and departments. To that end, the Cabinet adopted decision 09/03/05/*mim waw/alif qaf* (2005), pursuant to which public complaints units were established in the various ministries to receive complaints from citizens and employees, and Decision No. 8 regulating the complaints units was issued on 22 September 2019. The complaints units operate as part of an approved, centralized and unified governmental system for complaints that regulates the operations of the complaints units of the various ministries, which report to the complaints directorate of the Cabinet. A common set of regulations and a procedural manual have been developed for the units of the various ministries that outline the procedures for lodging, addressing, considering, following up on and deciding whether to accept or reject a complaint. Should a complaint be rejected, the complainant has the right of resort to the judiciary, which will adjudicate his complaint.

154. Human rights units have been established in the criminal justice system of the State of Palestine (Ministry of the Interior, Ministry of Justice, Office of the Public Prosecutor,

Supreme Judicial Council and the Cabinet). Those units have helped the authorities to respond better to citizens' complaints about abuses committed by law enforcement officers. The existence of such units enables citizens to lodge a complaint about any crime of torture or maltreatment committed by any employee.

### **Civil disputes**

155. The Independent Commission for Human Rights of Palestine is an important and effective body. It receives communications from citizens concerning allegations of human rights violations, including allegations of torture or maltreatment. The Independent Commission follows up with the competent authorities on complaints and allegations that it has received. In addition, as stated earlier in this document, it visits and inspects detention centres in the State of Palestine.

### **Independent National Commission of Inquiry**

156. On 1 July 2015, the President of the State of Palestine, Mahmoud Abbas, issued a decree establishing the Independent National Commission of Inquiry and mandated it to follow up on the report of the international independent commission of inquiry on the 2014 Gaza conflict, which was established pursuant to Human Rights Council resolution S-21/1, adopted on 23 July 2014. In that resolution, the Human Rights Council decides to urgently dispatch an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip. After that presidential decree was issued, the Palestinian Cabinet issued its resolution (No. 17/65/05 *mim waw/ra' ha'*) endorsing the establishment of the Independent National Commission of Inquiry to review and study the report of the international independent commission of inquiry on the 2014 Gaza conflict.

157. The international commission was established in order to determine the facts and circumstances of the violations and the crimes perpetrated and identify those responsible, and to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable. The international commission called upon the occupying Israeli authorities to conduct a thorough, transparent, objective and credible investigation and review of the policies governing military and law enforcement operations, with a view to ensuring compliance with international humanitarian and human rights laws. However, the occupying Power refused to deal with the international commission and did not allow it to enter the State of Palestine.

158. In addition, the international commission called upon the Government of the State of Palestine and the de facto authorities in the Gaza Strip to carry out genuine investigations into violations of international humanitarian and human rights laws and to ensure meaningful accountability for the perpetrators. It also called upon them to ensure that human rights are protected, and victims are given redress; take measures to prevent extrajudicial executions, eliminate torture and cruel, inhuman and degrading treatment; and cooperate with national investigations aimed at bringing to justice those responsible for violations of international law.

159. The international commission, in the course of its dealings with Palestinian agencies, including requests for information and the taking of testimony and recording of statements, noted that the working methods of some official Palestinian institutions had improved and that they were showing greater respect for human rights. That was particularly true with regard to the Palestinian police, thanks to the advancements made by its departments, its adherence to the rules and procedures set out in local and international law, and its compliance with the instructions of the Palestinian leadership to respect human rights. In addition to existing coordination arrangements with other security agencies aimed at maintaining public security, the accession of the State of Palestine to the relevant international conventions has helped to consolidate and promote human rights concepts in the State of Palestine.

160. In that connection, the Independent National Commission of Inquiry submitted its report, in which it states that Israel, the occupying Power, had committed war crimes and crimes against humanity, including torture, and had pursued a policy of systematic and widespread collective punishment against Palestinians.

#### **Arbitrary detention is a form of inhuman treatment**

161. Under the penal laws of the State of Palestine, in particular article 346 of the Criminal Code (1960), which is in force in the West Bank, and article 262 of the Criminal Code (1936), which is in force in the Gaza Strip, depriving any person of his liberty without justification and unlawfully is an offence that is punishable by a term of not more than one year imprisonment or a fine. The penalty is increased if the offender falsely claims that that he holds an official position or is in possession of a legal warrant for the arrest of the victim, or if the offence is committed against an official who is performing his duties or as a result of what he has done in the performance of duties.

#### **Arbitrary administrative detention of Palestinians in Israeli occupation prisons, a form of inhuman and degrading treatment**

162. The occupying Israeli forces continue to issue arbitrary administrative detention orders against Palestinians, without charge or trial, relying on so-called secret files and secret evidence that the detainee or his lawyer are not allowed to examine. An administrative detention order can be renewed an unlimited number of times. It is a form of punishment and a political measure that reflects the official government policy of the occupying Power of using administrative detention as collective punishment against Palestinians.

163. According to the data, since 1967, the occupying Israeli forces have arrested more than 50,000 Palestinians under administrative detention orders, without charge and without trial. In 2018, more than 482 Palestinian detainees continued to be arbitrarily detained in the prisons of the Israeli occupiers pursuant to administrative detention orders.

164. Palestinians living in the occupied city of Jerusalem and Palestinians who are within the 1948 territories are arbitrarily arrested pursuant to the provisions of the Emergency Powers (Detention) Act of 1979, which is part of Israeli legislation. The Act empowers the Minister of “Defence” to order administratively that a person be detained for a period not exceeding six months, without limitation on the number of times that the validity of the order may be extended.

165. The Incarceration of Unlawful Combatants Act is applied to Palestinians from the Gaza Strip, who can be arrested and held without trial. Under that Act, an unlawful combatant is defined as any person who participates in operations against Israel, the occupying Power, even indirectly, or any person who belongs to a force that is fighting against Israel, the occupying Power.

166. Most detainees are held in the Ofer, Negev and Megiddo camps, and female Palestinian prisoners who have been placed in administrative detention arbitrarily are held in Hasharon prison. A person who has been placed in administrative detention can be brought before a judge within eight days from the date on which the administrative detention order was issued, whereas that period is 48 hours under Israeli law. This period is established at the discretion of the occupying Power and the so-called military commander, who is authorized to make adjustments whenever necessary. Accordingly, in April 2002, the period was extended to 18 days. It used to be the case that a six-month order had to be legally reviewed by a military judge twice during that period, and there was a right to lodge an appeal against every decision handed down by a judge. However, since April 2002, that procedure is no longer in effect. An order is now reviewed only once, but the right to appeal against the decision was maintained.

167. In most administrative detention cases, the representative of the occupying Power, who is called the “Israeli military commander”, relies on classified material, which is the principal form of evidence used against detainees. The Israeli authorities claim that such evidence cannot be disclosed in order to safeguard the sources of the information or because its disclosure might reveal the manner in which it was obtained. In several cases,

the Israeli Supreme Court has ruled that it is possible not to disclose such evidence and allowed the authorities to disregard the suspect's right to fair trial. That position violates the right of the person who has been placed in administrative detention to know the reason for his arrest and his right not to be arrested or detained arbitrarily. Administrative detention review hearings are classified as non-public hearings, that is to say closed sessions that the public or family members are not allowed to attend. Only the lawyer, the detainee, the judge, the military prosecutor of the occupiers and, occasionally, the representatives of the occupiers' intelligence services are present at those hearings, thereby depriving the detainee of his right to a public trial.

## **Article 14**

### **Redress and compensation**

168. Palestinian law guarantees the right to justice for victims of torture, inhuman or degrading treatment, and their right to claim appropriate compensation. If the torture leads to the death, the victim's heirs and those who inherit his rights are also entitled to claim compensation. Article 32 of the Palestinian Basic Law is one of the primary pieces of legislation that guarantees this right.<sup>21</sup>

169. Under the Code of Criminal Procedure, the victim of any crime or infringement may bring a civil action in order to obtain fair compensation for the harm suffered as a result thereof. Pursuant to articles 3 to 7 of the Code, the Public Prosecutor must initiate a criminal action if the victim brings a civil action in accordance with the rules set out in the law. Cases that have been suspended by law owing to the filing of a complaint or the initiation of civil action by the victim may be deferred until a final judgement has been handed down. If there are multiple victims, it is sufficient for one of them to file the complaint; if there are multiple accused and the complaint is filed against one of them, it is considered as having been filed against the rest.

170. Articles 194-204 of the Code of Criminal Procedure set out the procedures that must be followed in a civil action that is brought by the victim of a crime in order to obtain compensation. The victim's right to compensation is established in article 194 (1).<sup>22</sup>

171. The law guarantees the right of detainees who have been found innocent to be compensated. That is one of the most important additions to the Palestinian Criminal Code; a person who is found innocent after retrial has the right to claim compensation from the State, as provided in article 387 of the Code.<sup>23</sup>

172. Article 94 of the Palestinian Security Forces Service Act provides that an officer who violates orders shall bear civil liability therefor. Such violations may include committing the crimes of torture or inhuman or degrading treatment. Article 173 of that Act addresses offences committed by non-commissioned officers and members of the security services.<sup>24</sup>

<sup>21</sup> Article 32 provides that any violation of personal freedoms, the sanctity of human life or any other public rights and freedoms guaranteed by the Basic Law or the laws in force constitutes an offence that is not subject to any statute of limitations with respect to civil or criminal proceedings, and that the National Authority shall provide fair compensation to anyone who suffers harm as a result thereof.

<sup>22</sup> Paragraph 1 of article 194 provides that any victim of a crime may petition the prosecutor or the court in which the case is being heard and expressly invoke his civil right to be compensated for the harm that he has suffered as a result of the crime.

<sup>23</sup> Article 387 of the Code of Criminal Procedure provides as follows: 1. A person who has been acquitted after retrial is entitled to claim compensation from the State for the harm suffered as a result of the earlier judgement. 2. If the convicted person is deceased, the request for compensation can be made by the spouse and the lineal ascendants and descendants. 3. The State may retract compensation from civil rights plaintiffs, informants or those who bore false witness that led to the handing down of a sentence.

<sup>24</sup> Article 94 of the Palestinian Security Forces Service Act provides that any officer who fails to carry out the duties stipulated in that Act or the decisions issued by the competent minister, or who acts in a manner that is incompatible with his functions, or whose conduct or comportment brings disrepute to the office, shall be liable to disciplinary action, without prejudice to eventual civil or criminal

173. It should be noted that the Civil Wrongs Ordinance (1944), which is in force in Palestine, provides that anyone who has suffered any injury or damage by reason of any civil wrong committed in Palestine shall be entitled to receive compensation from the perpetrator of the offence. Under that Ordinance, damage is defined as loss of life, or loss of, or detriment to, any property, comfort, bodily welfare, reputation or other similar loss or detriment. Fault is defined as any act of any person, or failure by any person to do an act, or failure by any person to use proper skill or to take proper care:

(a) being an act or failure which, if damage is caused thereby, constitutes the civil wrong mentioned in section 50 or 55A, or any other civil wrong for which provision is made in this Ordinance; or

(b) being an act or failure referred to in paragraph (a) or (b) of subsection (1) of section 50, which is the cause, or one of the causes, of damage to himself.

174. The Ordinance also addresses damages to persons as a result of negligence, which is defined as consisting of: 1. Doing some act which in the circumstances a reasonable prudent person would not do, or failing to do some act which in the circumstances such a person would do, or 2. Failing to use such skill or to take such care in the exercise of a profession, trade or occupation as a reasonable prudent person qualified to exercise such profession, trade or occupation would in the circumstances use or take.

175. Breach of statutory duty is defined as the failure by any person to perform a duty imposed on him by any law other than this Ordinance, being a law which, on proper construction thereof, was intended to be for the benefit or protection of any other person, whereby such other person suffers damage of a kind or nature contemplated by such law.

176. Under article 925 of the Ottoman Civil Code (Mecelle), which is in effect in Palestine, compensation may be demanded for damage wrongfully caused to a person.<sup>25</sup>

177. In 2015, the first lawsuit was filed in Palestinian courts in the West Bank seeking compensation for a citizen who claims to have been tortured. No verdict had been handed down in the case as of the date on which this report was prepared.

#### **Accession to the Rome Statute of the International Criminal Court**

178. On 1 January 2015, the State of Palestine, acting pursuant to article 12, paragraph 3 of the Rome Statute establishing the International Criminal Court, deposited a declaration that granted retroactively to the Court the power to consider the crimes that have been committed by the Israeli occupying authorities since 13 June 2014. The State of Palestine then deposited its instrument of accession to the Rome Statute of the International Criminal Court, and it entered into effect on 1 April 2015.

179. On 16 January 2015, the Office of the Prosecutor of the International Criminal Court opened a preliminary examination into the situation in the State of Palestine in order to determine the extent to which the criteria for an investigation established by the Rome Statute are applicable to the situation in the State of Palestine.

180. The accession of the State of Palestine to the Rome Statute underscores that it agrees with the international community's view that torture in certain circumstances and cases can be considered a war crime and a crime against humanity. Committing torture is a serious crime and the perpetrators thereof must be held accountable.

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proceedings, where necessary. An officer who was following orders shall not be exempt from punishment. 2. An officer who was following the orders of his commander or supervisor shall not be exempted from punishment unless it is established that the offence was committed as a result of executing an order given to him by this commander or supervisor, despite the fact that the latter had been informed that the order would result in a violation. In such cases, the responsibility rests solely with the person who gave the order. 3. The officer bears civil responsibility only for his own mistakes.

<sup>25</sup> Article 925 of the Ottoman Civil Code provides that the liability of a person who is the cause of an act, as referred to above, to make good any loss sustained thereby depends upon such act being of a wrongful nature. Any act by any person that causes harm to others must be compensated.

### **Violations committed by Israel, the occupying Power, of the Convention against Torture during the Israeli aggression against the occupied Gaza Strip in 2014**

181. The consequences of the 2014 Israeli aggression against the occupied Gaza Strip were devastating at various levels, whether economic, social, political, material or human. During that aggression, Israel, the occupying Power, committed various war crimes: it killed civilians, destroyed civilian property and used prohibited weapons, including white phosphorus, indiscriminately burning, maiming and permanently disabling hundreds of Palestinian civilians in the Gaza Strip. The Israeli aggression and the subsequent collective denial of Palestinian human rights in the Gaza Strip have created harsh living conditions characterized by extensive pain and suffering. Living in the Gaza Strip, which has been subjected to an illegal blockade by Israel since 2007, has become a form of physical and psychological torture. Following are some of the most notable direct or indirect violations of the Convention against Torture that Israel has committed:

- 1,410 Palestinians, including 355 children, 240 women, 134 civilian police and 1,032 other civilians were killed, 18 of whom were assassinated, and 5,380 persons were injured, including 1,872 children and 800 women.
- A total of 11,122 homes were destroyed in the war, of which 2,627 were totally destroyed and 8,495 were partially destroyed, displacing their inhabitants and dispersing them among their relatives or friends, or forcing them to take refuge in schools or set up tents on the ruins their homes.
- A total of 581 public institutions were destroyed, of which 149 were totally destroyed and 432 partially destroyed; the facilities of 31 non-governmental organizations, 53 United Nations institutions and 60 health-care institutions, including 15 hospitals, were struck by shells and 29 ambulances were destroyed.
- Half of all water networks and 55 per cent of electricity grids were destroyed.
- A total of 3,900 manufacturing establishments ceased operations, more than 40,000 persons in the agricultural sector lost their jobs and 90,000 persons in various other sectors lost their jobs, pushing the poverty rate in the Gaza Strip to 79 per cent. According to United Nations statistics, 88 per cent of the total population of the Gaza Strip have applied for food aid.
- A total of 396,599 fruit-bearing trees and 51,699 non-fruit-bearing trees were uprooted and 999,785 dunums of vegetables were destroyed.
- A total of 695 commercial establishments were destroyed, of which 165 were totally destroyed and 528 partially destroyed.
- A total of 650 vehicles were destroyed, of which 334 were totally destroyed and 316 partially destroyed.

### **Violations of the Convention committed by Israel, the occupying Power, in response to protests in the Occupied Palestinian Territory**

182. At the end of March 2018, Palestinians in the Gaza Strip began protesting peacefully near the border fence against the blockade that has been imposed on Gaza for years. The United Nations commission of inquiry on the 2018 protests in the Occupied Palestinian Territory confirmed in its report that the occupying Israeli forces had committed murder and deliberately caused severe suffering, which is a form of torture that is banned under the Convention. In addition, the commission reported that the occupying Israeli forces had killed civilians who had not been directly involved in protests and that Israeli forces had engaged in other inhuman practices that could be characterized as crimes against humanity and war crimes, because 189 civilians were injured as a result of their actions. Moreover, 6,103 Palestinians had been struck by live rounds and 23,313 others injured by the end of 2018, with Israel having deliberately targeted protected groups, including children, persons with disabilities, journalists and medical personnel.

## **Article 15**

### **Inadmissibility of statements obtained through torture**

183. Palestinian law prohibits the use of statements obtained by force or coercion as proof of crimes. Article 13 of the Palestinian Basic Law provides that confessions obtained through torture or coercion are invalid. That prohibition is reaffirmed by article 214 of the Code of Criminal Procedure, which provides that in order for a confession to be valid, it must be: 1. Made freely and voluntarily, and without material or moral pressure, or promises; 2. Consistent with the circumstances of the incident; 3. Constitute clear and unequivocal admission of having committed the crime. Accordingly, convictions based on such confessions are considered invalid under article 477 of the Code of Criminal Procedure, which provides that actions arising from a wrongful action are invalid.

### **Conviction of Palestinians by the courts of the Israeli occupiers on the basis of statements and confessions obtained through torture**

184. Israeli investigators who interrogate Palestinian detainees torture them and treat them inhumanly, in order to weaken them and pressure them psychologically. Detainees are prevented from seeing a lawyer for up to 60 days or having contact with their families and informing them that they have been arrested or transferred from one investigation centre to another. In addition, they are placed in cells with *asafir* (birds), misled, threatened with death and deprived of sleep. Palestinian detainees are then forced, under psychological pressure, to sign a statement in Hebrew that they do not understand, despite the fact that they have a right to obtain a translation of the statement and be informed of the charges against them. Such statements are used against them later, when they appear before the military judge, in order to ensure that they are convicted.<sup>26</sup>

## **Article 16**

### **Cruel, inhuman or degrading treatment or punishment**

#### **16.1 Prohibition of cruel, inhuman or degrading treatment or punishment**

185. Beating, wounding, committing any act of violence against or assaulting inmates or detainees while they are in a detention or correction and rehabilitation centre is considered to be an inhuman and degrading act. Under articles 333 and 334 of the Jordanian Criminal Code, should such an act cause a person to become ill or unable to work for a period of more than 20 days, the perpetrator shall be sentenced to a term of three months to three years in prison, and if the aforementioned period is less than 20 days, the punishment shall be internment for a term of one year. Under article 335 of the Code, if the act results in the injury or removal of an organ, the amputation or loss of use of a limb, the loss of one of the senses, or a serious deformity or any other disfigurement, the perpetrator shall be sentenced to a term of hard labour that is not to exceed 10 years.

186. Under article 5 of the Criminal Code, 1936, grievous harm is defined as any harm which amounts to dangerous harm, or seriously or permanently injures health or comfort, or which is likely so to injure health or comfort, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense. Moreover, harm is defined as any bodily hurt, disease or disorder, whether permanent or temporary. Under article 238 of that Code, any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for seven years, while article

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<sup>26</sup> *Asafir* is the term used by Palestinian detainees for agents in the prisons of the occupiers. The term is derived from the manner in which those agents surrender themselves to the prison administration. They wait for prison administrators to conduct a head count or search detainees, whereupon they seize the opportunity to flee to the prison office, like a bird flying away from its nest. When someone surrenders himself to the prison administration, it is said that he is a bird.

Israeli intelligence puts these birds in prison cells and wings, in order to obtain information about the detainees. Those agents extract confessions from the detainees in several ways, including but not limited to provocation, enticement, pressure, threat, tricks and deception.

250 provides that any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour.

187. Inmates and detainees may experience various forms of abuse, including verbal violence, such as the use of defamatory and degrading language. Under the laws in force, such conduct is punishable. For example, pursuant to article 358 of the Jordanian Criminal Code, defamation is a crime that is punishable by a term of imprisonment ranging from 2 months to 1 year, while denigration, whether in words or deeds, verbal insults or use of lewd language is punishable by a term of imprisonment that is not to exceed one month. On the other hand, the British Mandate-era Criminal Code provides that the offence of defamation is punishable by imprisonment for one year, while article 37 of the Correctional and Rehabilitation Centres Act (1998) prohibits using lewd or degrading language with inmates.

188. Article 343 of the Jordanian Criminal Code provides that any person who causes the death of another person as a result of negligence, lack of care or failure to observe laws and regulations shall be punished by a term of imprisonment ranging from six months to three years. On the other hand, article 218 of the British Mandate-era Criminal Code provides that any person who unintentionally causes the death of another person is liable to imprisonment for two years.

189. Inmates or detainees may be threatened while they are in correctional and rehabilitation centres. That is an inhuman and degrading practice, and the criminal codes in effect consider such acts to be punishable crimes. The threat can take the form of doing unjustified harm, whether in words or by one of the means set out in the law, with a view to having a profound effect on the victim.

#### **The arbitrary refusal of the occupying Israeli authorities to hand over the bodies of Palestinian martyrs as a form of harsh collective punishment**

190. In March 2016, the Government of the Israeli occupiers announced that it was prohibiting the handover and return of the bodies of Palestinian martyrs to their families amid Israeli demands that their bodies should be interred in numbered cemeteries.<sup>27</sup> Although the occupying authorities are negotiating with the families or the lawyers of the victims and with representatives of the State of Palestine, they are setting illegal and unacceptable conditions for the handover of bodies, including the requirement that a forensic autopsy must not be carried out. They are even preventing medical teams and representatives of the Office of the Public Prosecutor from examining a body while it is in the hospital.

191. The occupying authorities' decision not to hand over the bodies of the deceased is an international crime that is punishable by international law. The decision to retain the bodies of the deceased clearly contravenes article 130 of the Fourth Geneva Convention and article 34 of Additional Protocol I to the Geneva Conventions, which imposes a legal obligation on the occupying authorities to bury persons who have died for reasons related to occupation or in detention in a manner that accords with the deceased's religious practices. The occupying authorities are also obliged, as soon as circumstances permit, to provide accurate data and information about the deceased, protect and maintain their graves, facilitate access to their gravesites by relatives and regulate the practical arrangements for such access, and facilitate the return of the remains of the deceased and of personal effects to the next of kin.

192. The Israeli policy of systematically retaining the bodies of martyrs is part of the policy of collective punishment that is practised by the occupying authorities against the Palestinian people. The most serious consequence of that policy is the impossibility of conducting a forensic autopsy, thus helping to conceal, in part, evidence of extrajudicial killings.

<sup>27</sup> Numbered cemeteries are a code name for the large number of secret cemeteries in which Israel, the occupying Power, has been burying the bodies of victims and prisoners. Numbered cemeteries, which have been around for some time, currently hold the bodies of a large number of Palestinian prisoners who died in Israeli prisons.

193. The Israeli occupiers continue to belittle the dignity of martyrs by inhumanly retaining their bodies for long periods of time. The inhuman manner in which the bodies of the victims had been handled and stored became apparent when they were handed over to the Palestinian Ministry of Health. The bodies had been frozen and stored at a temperature of  $-60^{\circ}\text{C}$ , and there were more than 10 bullets in each body.

194. The occupying Israeli authorities are still holding the bodies of more than 20 Palestinian martyrs who were killed in 2018 alone, bringing to 294 the total number of bodies that have been detained since the Israeli occupation of the Palestinian territories began. They refuse to surrender the bodies of the deceased to their relatives for burial in accordance with religious practices and in a dignified manner. Such conduct constitutes torture and inhuman and degrading treatment that belittles the dignity of the martyrs and their relatives, and it is another form of collective punishment.

#### **The Israeli occupiers' policy of demolishing the homes of Palestinian civilians as a form of harsh collective punishment**

195. Israel, which has been the occupying Power since 1967, has pursued a policy of demolishing the homes of Palestinians in the West Bank, including East Jerusalem, as a means of collectively punishing the Palestinian population. The aim of that policy is to harm the relatives of Palestinians accused of carrying out martyrdom operations against occupying Israeli forces, or the families of Palestinian prisoners, in order to deter Palestinians from carrying out such operations.

196. Since 2009, the Government of the Israeli occupiers has stepped up its policy of demolishing homes and buildings as a means of collectively punishing the Palestinian families of the accused. These demolitions are part and parcel of its policy of forcibly displacing the population and increasing its occupation of Palestinian land. As at March 2019, Israel had demolished 5,884 Palestinian buildings and structures, displacing 9,210 Palestinians and affecting the lives of 71,672 Palestinians.

#### **Solitary confinement of Palestinian prisoners in the jails of the occupying Israeli authorities**

197. Solitary confinement is one of the cruellest forms of punishment that the occupying Israeli authorities use in respect of Palestinian detainees, who are placed in solitary confinement for extended periods in cells that fail to meet the minimum standards and requirements of dignified human existence. Cells are usually dark, cramped and filthy, their walls constantly moist and covered with mould and they are equipped with old squat toilets out of which rats and rodents emerge. All of this causes serious health and psychological problems for Palestinian detainees.

198. The policy of placing prisoners in solitary confinement has become a systematic practice that is authorized by the so-called legislative authority of Israel, the occupying Power, and implemented by its executive authority, which sets out procedures and rules specifically for that purpose. The policy of placing Palestinian prisoners in solitary confinement has been in effect for as long as Palestinians have been held in Israeli prisons. Dozens of Palestinian detainees have been placed in solitary confinement for extended periods of time, and the application of this policy has increased over time. The purpose of prolonged solitary confinement is to humiliate and physically and psychologically destroy Palestinian detainees.

199. On 20 July 2015, Israel, the occupying Power, adopted the "force feeding" act, under which prisoners on hunger strike can be force-fed. The act gives the courts the power to authorize the force-feeding of a prisoner, in order to break his will. This act gives the occupiers a pretext for torturing prisoners who are on hunger strike. By violating their right and freedom to control their own bodies, they deprive them of the last means of legitimate, peaceful protest available to them. Moreover, the act allows the Israeli occupying authorities not to bring the detainee before a judge for a period of 96 hours, while preventing him from seeing his lawyer or a family member. It also allows the courts to extend the detention period in the absence of the detainee and exempts the occupying security forces from the requirement to make an audio-visual record of the interrogation of

detainees, thus giving the occupiers the ability to interrogate them by using torture and inhuman and cruel treatment and to pressure them into making false and invalid confessions.

## **16.2 Measures taken by the State of Palestine to reduce the incidence of inhuman and degrading treatment**

200. Earlier in this report, in our comments on the implementation of articles 10, 11, 12 and 13 of the Convention, we stated that the laws in effect in the State of Palestine criminalize and prohibit any act of cruel, inhuman or degrading treatment or punishment. To that end, we drew attention to the relevant articles of the Jordanian Criminal Code (1960), the British Mandate-era Criminal Code (1936) and the Military Criminal Code (1979). In addition to the above, the State of Palestine has taken many other measures to prevent the criminal acts mentioned in article 16 (2) by adopting codes of conduct for law enforcement personnel, including the following:

- Civilian Police Act and its amendments;
- Security Forces Judicial System Act;
- Bill on supply and logistics (third reading in the Cabinet);
- Code of conduct for judges;
- Code of conduct for staff of the Office of the Public Prosecutor;
- Code of conduct and ethics for members of the police;
- Code of conduct for members of the Civil Defence;
- Code of conduct for members of the Preventive Security Service;
- Code of conduct and ethics for employees of General Intelligence (updated);
- Code of conduct for civil servants;
- Booklet on disciplinary offences for members of the Palestinian Security Force;
- Regulations on the use of force and firearms by members of the security forces;
- Code of ethics and conduct for members of the security forces;
- Manual of procedure for health-care services;
- Unified manual of operational procedures for the complaint units of the security services.

## **16.3 Living conditions in police stations and correctional and rehabilitation centres**

201. The laws in effect set out measures to ensure that individuals and inmates who are detained in police stations and correctional centres are provided with appropriate living conditions. Those measures are as follows.

### **Services available to inmates at correctional and rehabilitation centres in the West Bank**

202. Health services: Pursuant to articles 13-15 and 27-29 of the Correctional and Rehabilitation Centres Act, the Correctional Centres Department, in cooperation with military medical services, provides inmates with health-care services and, in cooperation with the Ministry of Social Development and civil society organizations, gives them access to psychologists and social workers. The aim is to assess the social and psychological situation of inmates and provide them with social and psychological support. A doctor must inspect the areas in which inmates sleep or are held in solitary confinement, and he must evaluate the inmates' health, treat the sick, transfer those whose condition requires to a clinic or a specialized hospital, isolate those suspected of having an infectious disease until they recover and have their clothing, bedding and food disinfected.

203. Rehabilitation services: Palestinian correctional and rehabilitation centres, in cooperation with civil society organizations, run educational, vocational and rehabilitation

programmes for inmates, so that they can improve themselves and reintegrate into society. Such programmes including mosaic-making, tailoring and shoemaking.

204. Sports services and programmes: Correctional and rehabilitation centres offer sports programmes and equipment for inmates, so that they can take part in recreational activities and maintain their health.

205. Legal aid programme: The Correctional and Rehabilitation Centres Department, with the support of UN-Women, and as part of a project entitled “Security and justice for the Palestinian people”, which is aimed at promoting the rule of law in the Occupied Palestinian Territory, has organized a number of activities that are aimed at preserving the rights of women inmates in correctional and rehabilitation centres. Those activities include providing women inmates with psychological support, offering training workshops on how to generate income, hiring lawyers to provide legal support to women inmates who do not have a lawyer, providing counselling to impoverished women and meeting the personal needs of women inmates.

206. Food services: Correctional and rehabilitation centres provide nutritionally diverse meals, so that inmates can maintain their health, and they offer a special food programme for pregnant inmates.

207. Under the law, an inmate is guaranteed the right to bathe at least twice a week in summer and at least once a week in winter; wash his face and limbs twice a day, once in the morning and once in the evening; wash his clothes at least once a week; cut his hair once a month; and shave his beard at least twice a week. The management of correctional and rehabilitation centres must provide inmates with lighting, heating on cold days and deliver meals to them in the designated location in their quarters and at the scheduled time.

#### **Challenges related to delivery of health-care services in correctional and rehabilitation centres**

208. Despite the improvements that correctional and rehabilitation centres have made in relation to health care, some correctional centres still lag behind. Some centres do not have medical clinics or full-time doctors and nurses, and most centres do not have a dentist or a psychologist. This forces the management of those centres to transfer sick inmates to government hospitals or military medical services facilities.

209. Most correctional and rehabilitation centres in the State of Palestine were destroyed by the occupying Israeli forces after the outbreak of the Aqsa intifada in 2000. This has had a significant impact on their performance and limited their ability to fulfil their basic purpose. This led the Correctional and Rehabilitation Centres Department to seek alternative solutions to the problem, including repairing some of the centres, such as the ones in Janin, Nablus and Zahiriyah.

#### **Medical visits and services (by number of inmates referred for treatment) for 2014**

	<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
1	General medicine clinic (in the centre)	2 144	5 976	1 178	3 757	3 834	2 200	2 220	21 309
2	Dental clinic (in the centre)	912	1 172	403	705	882	428	269	4 771
3	Military medical services	165	5	60	0	1	219	13	463
4	Government hospital	131	162	101	104	98	76	109	781
5	Bethlehem Hospital	7	11	46	2	3	30	1	100

	<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
6	Ministry of Health	169	89	29	70	41	0	7	405
7	Outside clinics	107	294	0	87	62	0	0	550
8	Referrals for treatment abroad	6	22	35	9	14	1	5	92
9	Private doctor at the centre	15	33	3	9	31	0	20	111
	<b>Total</b>	<b>3 656</b>	<b>7 764</b>	<b>1 855</b>	<b>4 743</b>	<b>4 966</b>	<b>2 954</b>	<b>2 644</b>	<b>28 582</b>

#### Medical visits and services (by number of inmates referred for treatment) for 2015

	<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
1	General medicine clinic (in the centre)	2 140	668	1 106	4 200	2 759	2 212	2 619	15 704
2	Dental clinic (in the centre)	997	1 365	312	809	656	479	362	4 980
3	Military medical services	196	24	47	10	0	48	15	340
4	Government hospital	202	175	125	121	66	104	120	913
5	Bethlehem Hospital	6	19	60	0	8	21	3	117
6	Ministry of Health	214	171	24	101	48	0	10	568
7	Outside clinics	90	325	4	202	35	0	0	656
8	Referrals for treatment abroad	13	27	6	7	7	11	6	77
9	Private doctor at the centre	21	31	0	30	48	0	12	142
	<b>Total</b>	<b>3 879</b>	<b>2 805</b>	<b>1 684</b>	<b>5 480</b>	<b>3 627</b>	<b>2 875</b>	<b>3 147</b>	<b>23 497</b>

#### Medical visits and services (by number of inmates referred for treatment) for 2016

	<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
1	General medicine clinic (in the centre)	2 788	6 799	1 130	5 641	2 634	3 239	2 079	24 310
2	Dental clinic (in the centre)	205	1 128	294	771	9 402	429	253	4 022
3	Military medical services	194	18	43	0	0	43	7	305
4	Government hospital	235	240	118	157	45	288	83	1 166
5	Bethlehem Hospital	9	3	36	0	2	12	0	62
6	Ministry of Health	25	84	14	102	46	0	15	286
7	Outside clinics	144	257	0	142	40	0	0	583
8	Referrals for treatment abroad	16	5	3	16	2	2	5	49
9	Private doctor at the centre	23	32	8	14	34	6	11	128

<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
<b>Total</b>	<b>3 639</b>	<b>8 566</b>	<b>1 646</b>	<b>6 843</b>	<b>3 745</b>	<b>4 019</b>	<b>2 453</b>	<b>30 911</b>

**Medical visits and services (by number of inmates referred for treatment) for 2017**

<i>Centre Service provider</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>	<i>Total</i>
1 General medicine clinic (in the centre)	3 076	7 291	1 280	5 056	5 240	3 095	1 686	26 724
2 Dental clinic (in the centre)	1 271	1 473	302	685	941	507	303	5 482
3 Military medical services	142	34	21	0	0	219	0	416
4 Government hospital	105	234	161	158	85	192	71	1 006
5 Bethlehem Hospital	2	11	80	2	2	12	1	110
6 Ministry of Health	27	67	7	15	161	0	4	281
7 Outside clinics	236	312	0	130	144	0	0	822
8 Referrals for treatment abroad	15	27	9	6	8	14	2	81
9 Private doctor at the centre	25	44	4	17	26	1	11	128
<b>Total</b>	<b>4 899</b>	<b>9 493</b>	<b>1 864</b>	<b>6 069</b>	<b>6 607</b>	<b>4 040</b>	<b>2 078</b>	<b>35 050</b>

**Living and health conditions of prisoners in the prisons of the Israeli occupiers**

210. Israel Prison Service forces continue to deny Palestinian prisoners and detainees their fundamental rights. Hundreds of Palestinians prisoners and detainees are still unable have family visits, while dozens remain in solitary confinement cells on the grounds that they violated prison regulations or for security reasons. Those forces also continue to deny detainees the right to education, in an ongoing effort to avoid honouring their obligations under the agreement of 14 March 2012. Under that agreement, prisoners were to be removed from isolation wings, the living conditions of all prisoners were to be improved, and prisoners and detainees were to be allowed to receive regular visits from their relatives. Moreover, verbal commitments were made to curtail the arbitrary application of the administrative detention policy.

211. From 1967 to 7 February 2019, a total of 218 Palestinian prisoners died in the prisons of the Israeli occupiers. Of that number, 75 were murdered, 7 were shot inside prisons, 63 died as a result of deliberate medical negligence, a form of torture and maltreatment that is practised systematically and broadly by Israel against Palestinian prisoners, and 73 died under direct torture.

**Ill prisoners**

212. There are more than 1,800 ill prisoners, or nearly a quarter of all inmates, in the occupiers' prisons. Among them are 26 prisoners suffering from cancer, 80 who have various disabilities (physical, psychological and sensory) and others suffering from chronic and serious diseases. They live in deplorable conditions because of deliberate neglect, cruel torture, abuse of patients, lack of assistive devices, disregard for pain and indifference to suffering and needs, all of which exacerbates their condition and gives rise to the possibility

of developing permanent disabilities as a result of the circumstances that they must endure. They need continuous health care, yet they do not receive any treatment or the minimum level of health care. The prisoners suffering from the most serious and incurable diseases reside in the Ramla Prison Clinic, which always lacks the capacity to provide the minimum level of health care.

213. In addition to the suffering that they endure as a result of the policy of deliberate medical negligence, some prisoners were arrested after they had been wounded by bullets fired by the occupying authorities in the course of their broad-scale and intensive detention campaigns, while other prisoners were abducted from ambulances and hospitals.

## Conclusion

214. The State of Palestine is a peace-loving country that believes in justice, democracy and human rights and abides by the Charter of the United Nations and the international conventions to which it has acceded. In keeping with the efforts of the State of Palestine to establish human rights in the country, the Convention against Torture was the first of the human rights instruments to which it became a party, having acceded thereto in 2014. It then proceeded to accede to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities.

215. The State of Palestine has adopted a national policy agenda for the period 2017–2022 that incorporates its undertakings pursuant to the human rights instruments to which it has acceded. That decision reaffirms the determination of the State of Palestine to fulfil to the utmost its responsibilities towards its citizens and to guarantee their fundamental freedoms, safeguard their human rights and ensure that they enjoy justice and equality, and to protect marginalized groups and provide them with opportunities. The State of Palestine has implemented various reforms, which are detailed in this report, since it acceded to the Convention. Those reforms, which include legal measures, such as the adoption of new laws and the amendment of existing ones, and administrative measures, such as the issuance of various instructions, orders and regulations, are an embodiment of the national political agenda and vision of the State of Palestine, of which respecting human rights, in particular those that are set out in the Convention, is of paramount importance.

216. On 29 December 2017, the State of Palestine acceded to the Optional Protocol to the Convention against Torture, thereby reaffirming that it is making progress in its efforts to combat torture. Moreover, its unstinting and ongoing efforts, in collaboration with national partners from civil society institutions that focus on human rights, the Independent Human Rights Commission and international partners, including the Subcommittee on Prevention of Torture, demonstrate that it is continuing to make progress towards fulfilling its commitments under the Convention.