

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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(Jerusalem) - Palestinian Authority President Mahmoud Abbas should order an independent investigation into the death of Haitham Amer, Human Rights Watch said today. Amer died 18 months ago, allegedly under torture by Palestinian security agents. A criminal inquiry and subsequent investigation failed to punish anyone for his death.

In recent interviews with Human Rights Watch, three witnesses to Amer's death independently provided graphic accounts of the events that led up to it. All three said they had provided the information in testimony at the inquiry and that they had identified intelligence agents who participated in torture, one of whom was never charged. Countries that provide direct support to the Palestinian Authority (PA) security agencies, notably the UK and US, should suspend aid to these agencies until officials are held accountable for human rights abuses, Human Rights Watch said.

"Is acquitting officers so clearly implicated in torture and murder the kind of state building' we should look forward to from the Palestinian Authority?" said Sarah Leah Whitson, Middle East director at Human Rights Watch. "The PA's foreign supporters should suspend funding to its security forces until it can show that officials who torture and kill people are being prosecuted and punished."

Amer died on June 15, 2009, while detained at the General Intelligence Service headquarters in Hebron, allegedly under interrogation. A Palestinian military court trial in July 2010 acquitted the five security officers accused of Amer's death, claiming "lack of evidence" despite an official Palestinian autopsy report stating that he had died due to torture and testimony by the three detainees who witnessed his death.

The trial is the only known instance in which Palestinian security officials in the West Bank have been criminally prosecuted for torture, despite hundreds of torture allegations. To Human Rights Watch's knowledge, no Palestinian security official has been convicted for abusing persons in custody.

The PA suspected Amer, a 33 year-old nurse at a Hebron hospital, of membership in Hamas, the authority's bitter rival, according to media reports. The authorities had not charged him with any offense and it is not clear why they arrested him, although tensions with Hamas were high at the time, after fatal gun battles between Hamas and PA security forces on May 30 and June 4 in the northern West Bank city of Qalqilya.

The Palestinian special military court in Hebron that acquitted the five accused officers found that General Intelligence Service officials had negligently failed to stop Amer from falling to his death from an upper floor of the agency's headquarters. In sworn testimony to prosecutors, prisoners who witnessed Amer's death identified two intelligence officers responsible for torturing him severely for four days and denying his requests for medical care despite his clearly worsening health. One of these officers, and another officer whom these witnesses testified had tortured them, were not indicted.

#### Western Financing

The US provided \$350 million to the PA for security and program assistance in 2010 in addition to \$150 million in direct budgetary support, while the EU gave the PA more than 230 million (\$315 million).

The US finances and trains the National Security Force (NSF), a Palestinian gendarmerie, whose officers participated in Amer's arrest, his father told Human Rights Watch. The NSF, which has been the subject of two torture complaints by Palestinians since January 2009, does not interrogate detainees or operate prisons, but conducts joint arrest raids with the intelligence service and Preventive Security and turns detainees over to their custody.

On January 25, 2011, a US State Department spokesman acknowledged to journalists that the US had "documented over 100 complaints of prisoner torture that often targeted political detainees [by PA security forces] over the past year." But he claimed that, "There have been no reports of U.S.-trained Palestinian security forces engaging in torture," apparently referring to the NSF, and that, "The Palestinian security forces have come a long way. Their professionalism has increased."

Reports by the [International Crisis Group](#) and [the Guardian](#), as well as by [Yezid Sayigh](#), a former Palestinian negotiator and an academic specialist in PA security affairs, say that the US and UK have provided direct support to the General Intelligence Service and other PA security agencies since the 1990s. According to leaked documents recently published by Al Jazeera, the UK and US participated in [formulating](#) the PA's security strategy to counter Hamas in the West Bank. One document states that the UK provided \$90,000 to the General Intelligence Service offices in Hebron in 2005.

In another document, United States Security Coordinator General Keith Dayton was reported as telling PA officials on June 24, 2009 that "the [Palestinian] intelligence guys are good [...] but they are causing some problems for international donors because they are torturing people."

## **Torture Allegations**

The Independent Commission for Human Rights (ICHR), the official ombudsman for human rights abuses by Palestinian authorities, received 164 complaints of torture by the General Intelligence Service and other security agencies, notably Preventive Security, in 2009, and 202 torture complaints in 2010, according to information provided to Human Rights Watch. The number of such complaints briefly decreased, to an average of eight a month, for five months beginning in September 2009, after the Interior Ministry ordered the security agencies to end torture. But the monthly totals have since increased to the previous high levels, according to the ombudsman's monthly reports. For example, the ombudsman received 19 complaints of ill-treatment in January, including 12 torture complaints.

Judicial authorities in Gaza, under Hamas control, also have failed to respond to numerous complaints of torture filed with the ombudsman - over 87 complaints in 2009 and 156 in 2010 - against Hamas security services there.

## **The Amer Case**

The General Intelligence Service arrested Amer at his father's home in Beit ar-Rush al-Fauqa in the Hebron governorate at 8 a.m. on June 11, 2009, and did not present an arrest or search warrant, his father, known as Abu Haitham, told Human Rights Watch. The ombudsman said that although a warrant is required under Palestinian law, none had been issued. Amer's father tried to meet with intelligence officials to find out what had happened to his son, but they repeatedly refused.

"On Sunday morning [June 14], I went to [the GIS headquarters in Hebron] to get permission to see him," Abu Haitham said. "I asked for the GIS director but they said he wasn't there. So I asked for the deputy, and he wasn't there either. They would not let me talk to anyone. I went home and called again at 4 p.m. and asked for the general director, and they said he was asleep." Other relatives' attempts to see Haitham that evening were also rebuffed, Abu Haitham said.

Relatives told Abu Haitham the next morning at 6 a.m. that his son had died at the intelligence agency center. Later that day, the body was brought back to Abu Haitham's home. Human Rights Watch viewed photographs taken of Amer's body when it was returned home that showed severe discoloration of the thighs consistent with bruising.

The autopsy report by the PA's coroner's office, a copy of which Human Rights Watch obtained from Al Haq, stated that the cause of death was "blockage of the pulmonary arteries" due to deep bruising that was "the result of direct torture." Amer's father and a researcher from the ombudsman's office separately told Human Rights Watch that they saw Amer's body after it was returned home. Both said his body showed severe bruising, what appeared to be burn marks from electrical shocks on the knees and buttocks, and smaller marks on the back consistent with cigarette burns, in addition to autopsy marks.

## **The Witnesses' Accounts**

Human Rights Watch interviewed at length two witnesses to Amer's death and spoke to a third witness who confirmed their accounts. All three men had given evidence to prosecutors and testified that guards also tortured them while in detention at the intelligence agency center in Hebron.

Ali Rashid, a resident of Yatta, near Hebron, said guards ignored evidence of Amer's worsening medical condition over several days in custody: "The first time I saw him, he was sitting in a chair, all bruised, and they wanted him to stand but he couldn't," Rashid said. "He couldn't lift the water bottle he was holding to drink from it. I tried to help him drink and the guards beat me and said it was none of my business." Two days later, Rashid said, "I saw the guards take [Amer] into the courtyard. He could barely walk, his arms were hanging loose, but the guards ordered him to walk. Haitham said he was sick, and the guard said, 'You're a nurse, treat yourself.'"

The following night, Rashid said, guards dragged Amer into the yard unconscious, put him on a mattress, and told other prisoners to wash him. "They brought buckets of water. I told the guard that he was practically dead, and he hit me and told me to face the wall." Rashid said Amer asked for water and guards gave him a bottle of juice, which he drank from and vomited. A guard then kicked Amer in the face, Rashid said. A few minutes later, Amer breathed deeply and died.

A second witness, who asked not to be named, was also detained at the intelligence agency facility in Hebron. "When they brought Haitham in, he was all right, but soon he became sick and was throwing up," the witness said. "On the second or third day of his detention, he couldn't walk, so the guards were dragging him around." The witness said guards ordered him to bathe Amer shortly before he died. "When I bathed him, the sight was horrible. His skin from the knees up to the belly button was almost blue and wrinkled as if it had been burned." When he told a guard that Amer needed help, the witness said, the guard "hit me so hard with a broom handle that he broke it."

These witnesses and a third witness to Amer's mistreatment and death independently corroborated each others' statements, including their

descriptions of Amer's health condition, interactions with guards, dates of detention and death, and the identities of the guards they felt were most responsible. Each witness said that an intelligence officer named Maher Amer was in charge of interrogating Haitham Amer and repeatedly hit him and denied him medical care, and that a guard named Munther Ghaith was particularly brutal in beating both them and Haitham Amer. The witnesses said they identified these intelligence agents in testimony to military prosecutors. Ghaith was among the five intelligence agency officials charged with, and acquitted in, Amer's death; Maher Amer was not charged.

After his death, which witnesses said occurred at around 2 a.m. on June 15, Palestinian officials took Amer's body first to al-Mezan hospital, which refused to receive it, and then to Alia hospital in Hebron, then transferred it for autopsy to the Palestinian autopsy center in Abu Dis, in East Jerusalem, according to accounts by Amer's relatives and the ombudsman. The body was returned to the family later that day.

### The Court Hearings and Aftermath

The ombudsman's representatives attended the three special military court hearings on Amer's death - on May 31, June 28, and July 20, 2010. The indicted officers were not detained; only one attended the first two hearings, while all five accused attended the final hearing. The verdict ordered the intelligence service to pay compensation "according to law and order" [*al-Shar' wa al-Qanun*] to the family "because they failed to take the necessary precautions to protect prisoners." Amer's family refused to accept the ruling or the compensation. Amer's father told Human Rights Watch that the Palestinian Authority had failed, however, to fulfill separate promises it made to provide financial support for Amer's wife and children.

A cousin of Amer's, Muhammed Brahim Ismail, attended the July 20, 2010 trial hearing - the last of three brief hearings, but the only one of which family members were informed, Ismail and Abu Haitham said. Ismail told Human Rights Watch that when the judge called out the names of the accused, "we were surprised to find them sitting among us," with the spectators of the trial, and not in custody.

The prosecutor questioned the five accused "for about 30 minutes total," Ismail said; all denied responsibility for Amer's death. "None of them explained how Haitham managed to get up to the upper floor and fall out to his death," said Ismail. After a brief recess, the judge announced the acquittal of all the accused.

Under Palestinian law, a special military court ruling can be appealed only by order of the Palestinian Authority president.

On June 16 the council of ministers called for an inquiry, which the civilian attorney general opened. However, on July 22 the Justice Ministry told the attorney general to transfer the case file to the military attorney general, a demand repeated in a letter from the secretary general of the council of ministers to the attorney general on July 23, according to records obtained by the ombudsman. These inquiries resulted in the criminal prosecution of the five officers described above.

Said Abu Ali, the PA interior minister, acknowledged in October 2009 that there had been a "violation of the rights" of Haitham Amer and an "excessive amount of force" during his interrogation, according to international news reports at the time.

In an unrelated positive recent development, the intelligence agency and the head of the Palestinian military judiciary stated that as of January 16, 2011 military arrest warrants would no longer be issued against civilians and that civilians would no longer be tried in military courts, according to Al Haq, a Palestinian human rights organization that advocated the change. It is not clear whether the number of such cases has since decreased. However, since January 16 Al Haq has identified 10 cases in which the military judiciary has extended the detention of civilians and four cases in which military courts convicted civilians. Al Haq has called on President Abbas to issue a decree requiring Palestinian security agencies and military courts to stop exercising jurisdiction over civilians.

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Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

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