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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Institute for NGO Research, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 February 2019]

* Issued as received, in the language(s) of submission only.

Submission of the Institute for NGO Research Torture and Wrongful Punishment by the Palestinian Authority

The Palestinian Authority (PA) is signatory to the UN Convention Against Torture. As such, its kidnapping, torture, and execution of Palestinian citizens that allegedly sell land to Jews should be condemned by the United Nations Human Rights Council (UNHRC). In 2018, the PA notably accelerated its persecution of suspected property sellers after PA chairman Mahmoud Abbas issued director orders to PA security forces and police to crack down on land sales to Jews. Within months, 50 offenders were arrested, making this issue especially pressing.

Since 1997, selling land to Jews has been considered a crime, punishable by the death penalty under PA law. In 1997, former PA Chairman Yasser Arafat and Justice Minister Freih Abu Medein announced that it was illegal for PA residents to sell land to Jews, arguing that there was precedent to execute any subject that sells land to an “enemy” under Jordanian law, which the PA frequently applies in its own criminal justice system when deemed suitable. According to Abu Medein, “I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death...they are traitors.”

This loose interpretation of Jordanian law is understood to apply only to selling land to Jewish Israelis, and not Israelis of any other group, including Israeli Arabs. Thousands of Israeli Arabs and East Jerusalem residents own and sell property in the West Bank, with few restrictions imposed on them by the PA.

In view of this law, Arafat and his successor Mahmoud Abbas have continued to view Jewish Israelis as an “enemy”, regardless of the Oslo Process of the mid-1990s, which established diplomatic relations between Israel and the PA. This reference to Israel as an “enemy state” in regards to land sales was reapplied in 2014, when Abbas pronounced that anyone “diverting, renting or selling land to an ‘enemy state’ or one of its subjects” would face a life sentence of hard labor.

Like the PA, the Palestinian Preventative Security Forces (PPSF) was created by the 1995 Oslo Interim Agreement, with their mandate being to “assume responsibility for public order for Palestinians.” In practice, however, the PPSF has abused this directive; kidnapping and torturing the same Palestinians they are responsible for protecting. Since the mid-1990s, hundreds of Palestinians have been tortured by PPSF officers for arbitrary and nonviolent offenses, many of them without due process or sufficient evidence. These offenses include collaborating with Israel, criticizing the Palestinian leadership, and selling land to Jews.

In addition to the PA law, PA fatwas and religious leaders have pressured Muslims and Christians not to sell land to Jews. According to PA Mufti Ikrama Sabri, “Whoever is found to have sold land to Jews, his punishment is death. It is forbidden to pray for him, it is forbidden to purify his body before burial, and it is forbidden to bury him in a Muslim cemetery.”

In November 2018, Jerusalem’s chief rabbi approved a burial request for Ala'a Qarash, a Muslim man killed in a car accident who was banned from burial the city’s Muslim cemeteries because he was suspected of selling land to Jews. The Jordanian Waqf, which manages the Temple Mount, also refused to allow Qarash’s body to enter the al Aqsa mosque for a special prayer with the rest of the accident’s victims.

Christian leaders have also been targeted for land sales to Jews. In January 2018, Palestinian protestors in Bethlehem violently attacked the convoy of Jerusalem's Greek Orthodox Patriarch, chanting "traitor," because of the Church's decision to sell land to Jewish groups.

In December 2018, the PA announced it had arrested 44 Palestinians for attempted real estate transactions with Jews, following direct orders from Abbas. In November 2018, PA courts sentenced three Palestinians to 15 years hard labor for the crime of "leaking land to the enemy."

Also in November 2018, Isaam Akel, an East Jerusalem resident and US citizen was sentenced to life in prison by PA security forces for attempting "to annex part of the Palestinian lands to an alien state." Following pressure from Israel and US Ambassador to Israel David Friedman, the PA agreed to deport Akel to the US. Israel also arrested the PA's Jerusalem governor Adnan Ghaith, who is suspected of helping arrange for Akel's kidnapping to the West Bank for sentencing in a PA court.

Furthermore, at least eight Palestinians have been executed for this offense since 1997, often through extrajudicial means. Many suspected of selling land to Jews are abducted, often by Palestinian security forces, with authorization by PA leadership. According to Palestinian human rights activist Bassem Eid, there have been several cases where suspects have been kidnapped outside of PA jurisdiction or enticed to Ramallah, only to be murdered by PA forces. In December 2018, an anonymous source working for the PA told the Israeli Ynet news agency that Ahmed Salama was murdered near his home in the Israeli town Jaljulya because he was suspected of selling land to Jews and had been wanted by PPSF.

Additionally, suspects have been tortured by PA security forces in numerous cases. Repeatedly, detainees have died from physical trauma inflicted during torture. Tortured detainees are noted to have either kidnapped or voluntarily arrived to PPSF police stations for questioning regarding land sales. In 1997, the body of East Jerusalem land dealer Farid al-Bashiti was found in Ramallah. Palestinian officials informed al-Bashiti's family that he was killed in a traffic accident, although he was handcuffed when his body was found. An autopsy carried out by Israeli forensic experts found he had died from head trauma sustained during torture.

In addition to the PPSF, the PA also works with external sources to identify Palestinian land sellers, including Ezra Nawi, a radical activist. Nawi was featured in a January 8, 2015 exposé on an Israeli investigative news program ("*Uvda*", Channel 2). Nawi discussed informing the PA and PPSF about a Palestinian man who allegedly intended to sell land to Jews in the West Bank. Nawi states, "The Authority catches them and kills them. But before they kill them they beat them up."

Since the policy was initiated in 1997, the PA has faced relative impunity from the international community for its practice of kidnapping, torturing, and executing Palestinians whose only crime is selling land to Jews. The loose interpretation of Jordanian law and disregard for the Oslo Process should not be overlooked.

The PA claims it has the legal capacity to enter into international treaties like the Convention Against Torture. Instead of exploiting the human rights treaty bodies for waging its political war against Israel, it should start abiding by them.
