

Jerusalem, January 1994

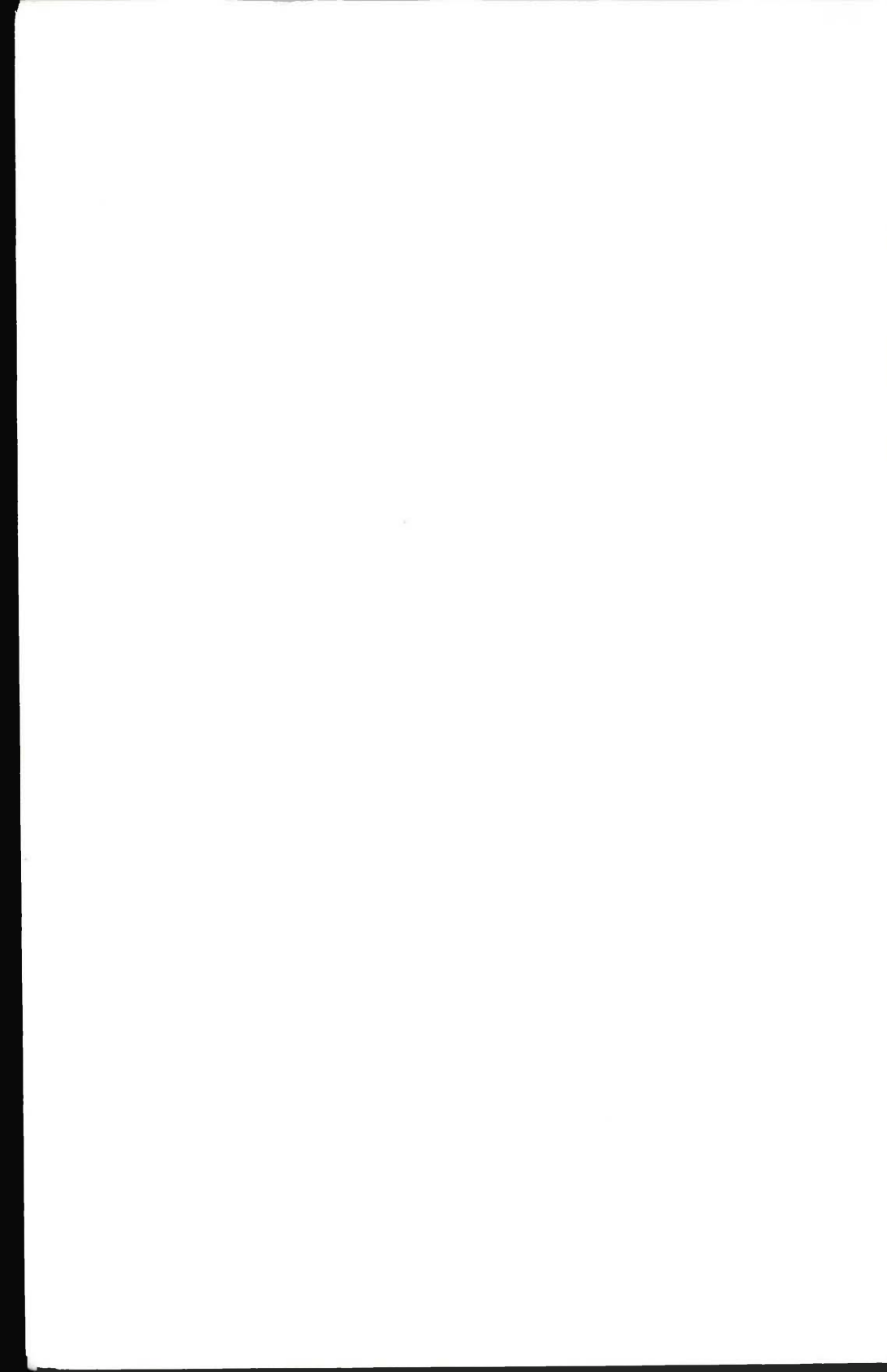
**COLLABORATORS IN THE  
OCCUPIED TERRITORIES:  
HUMAN RIGHTS ABUSES AND  
VIOLATIONS**

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**B'TSELEM**

**The Israeli Information Center for Human Rights  
in the Occupied Territories**



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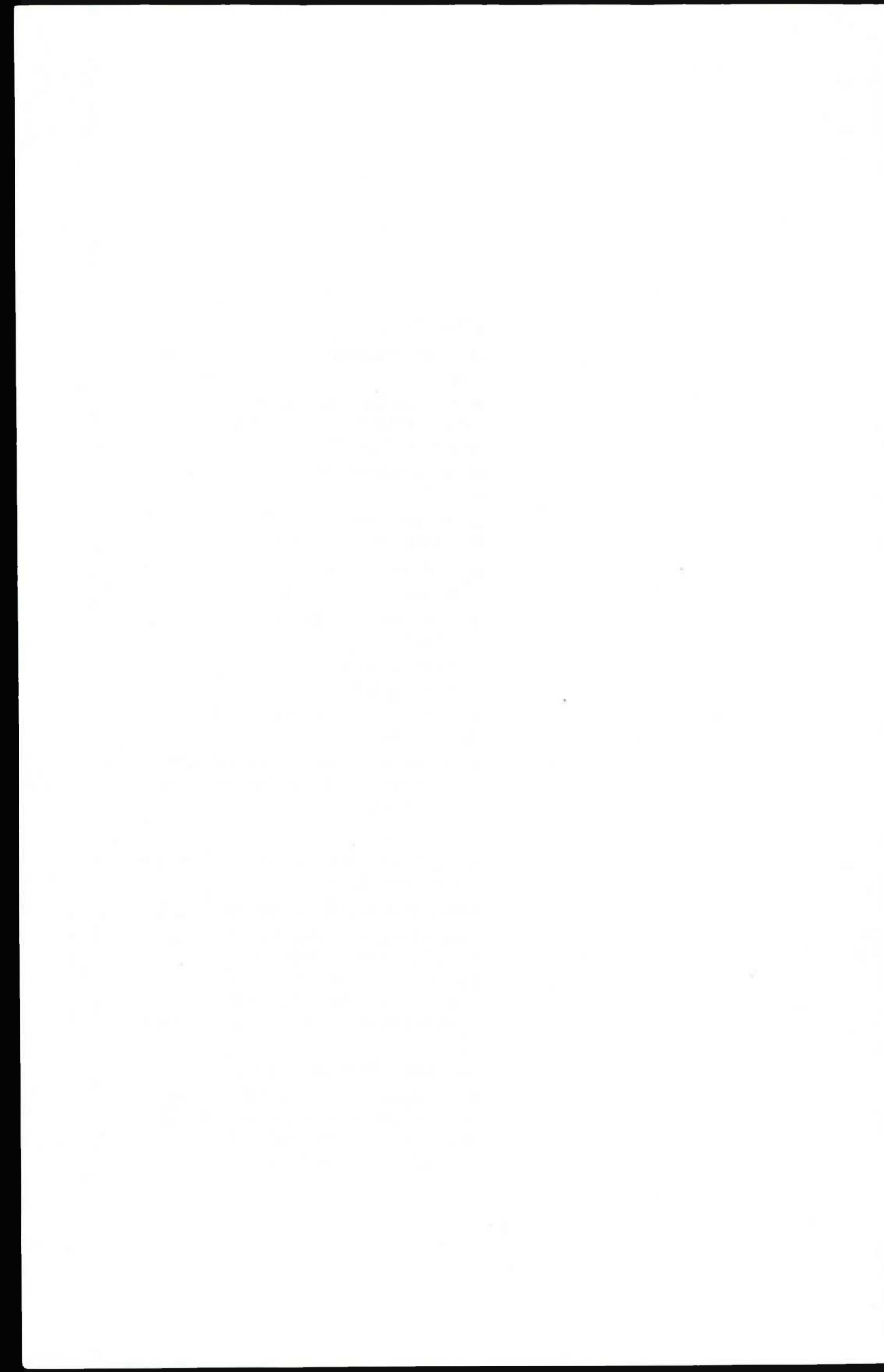
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# Introduction

This report deals with the responsibility of Palestinian political organizations and their activists for the torture and killing of Palestinians suspected of collaborating with the Israeli authorities during the Intifada. It also addresses violations of human rights by the Israeli authorities in the recruitment and operation of collaborators in the territories.

**B'Tselem** made extensive efforts, including hundreds of field investigations, to compile a full and accurate list of Palestinians who were killed for what the Palestinian political organizations call collaboration. However, because of the sensitivity of this subject in Palestinian society, eyewitnesses and relatives were often loath to provide full testimony about the circumstances of death. It has always been **B'Tselem's** practice, in cases where the available information is incomplete, not to provide unequivocal data. Consequently, we cite only the figures of the IDF Spokesperson and of the Associated Press regarding the total number of Palestinians killed as suspected collaborators. However, in several places the report does cite partial data concerning various aspects of the subject, in cases where we were able to obtain satisfactory information.

According to the Israel Defense Forces (IDF) Spokesperson, 942 Palestinians were killed by other Palestinians on suspicion of collaboration between December 9, 1987, when the Intifada erupted, and November 30, 1993.<sup>1</sup> The Associated Press puts the number at 771.

According to data supplied to **B'Tselem** by the Ministry of Defense, between 35 and 40 percent of those killed were employed by the government, or were in some other way connected to one of the branches of the Israeli administration. The remainder of those killed had no connection to the government.<sup>2</sup> Ten to 15 percent of these were killed for criminal activity, "especially in drugs and prostitution"; and a small number were killed "because they violated the "directives of the

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1. This figure was supplied via telephone from the IDF Spokesperson's office on January 5, 1994.

2. According to the Israel Police, in the pre-Intifada period there was an average of fifty murders a year for nonpolitical, criminal reasons, including killings within families to preserve family honor or for immoral behavior. See *Medicine and Law*, the journal of the Association for Medicine and Law in Israel, No. 8, May 1993.

uprising" or, for example, sold pornographic video films in defiance of the orders of the Islamic organizations.<sup>3</sup>

Since 1967, the security forces have recruited tens of thousands of Palestinians from the territories to serve as collaborators. This was made possible in part by the great dependence of the Palestinians on services provided by the Israeli administration. In recruiting collaborators, the security forces used methods that contravene international law, such as providing certain services only on condition that the recipient cooperate with the authorities. They also resorted to extortion and pressure, and offered various inducements.

The collaborators received preferential treatment from the authorities, and many of them took full advantage of their status. Collaborators, especially those who were armed, frequently used violence against other Palestinians, whether as part of their duties as collaborators or for personal motives. For these and other reasons, which are described in the report, broad sections of the Palestinian population fiercely objected to the activity of the collaborators.

The vacuum created by the collapse of all systems of law-and-order in the territories (police, courts, and officers of the court) during the Intifada was filled by squads or cells identified with the various organizations, both Islamic and PLO-affiliated, which took it upon themselves to impose order. As such, among other activities, they set about punishing suspected collaborators. Punitive measures were also taken against Palestinians who did not serve the authorities as collaborators but who were defined as such because their behavior was considered harmful to the society or to the Palestinian struggle. During the Intifada, attacks on individuals who were branded collaborators obtained legitimation and even support from broad sections of the Palestinian population.

## 1. Theoretical Underpinnings

Until now, **B'Tselem** has followed the traditional approach of human rights organizations: namely, to report and alert the public to those human rights violations committed exclusively by the authorities. In addition, as an Israeli organization, one of **B'Tselem's** main goals is to generate public discussion on the human rights violations committed by

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3. Haim Yisraeli, assistant to the minister of defense, in a letter to **B'Tselem** dated September 21, 1993. According to Palestinian journalist Zuheir a-Dabai, in an interview to *The Jerusalem Post* on May 8, 1992, at least 60 percent of those killed as suspected collaborators had no ties of any kind with the authorities.



the government in the territories, in an effort to counter the denial and repression of the subject by the Israeli public. **B'Tselem** addresses issues which, in its view, do not receive adequate attention among the Israeli public in general, and the country's decision makers in particular.

**B'Tselem's** decision to publish a report dealing primarily with violations of human rights by Palestinian groups is related to considerations which in recent years have been at the center of a reassessment undertaken by human rights organizations everywhere.

The major question such organizations are asking is whether, in addition to their traditional role of dealing with human rights violations by governments, they should also report and alert the public to such infringements by armed opposition groups.

The traditional orientation was predicated on several basic assumptions: it is the state which has the principal duty to protect the fundamental rights of the individual against a threat from other individuals, but the state is also the major potential violator of those rights. The state wields powerful enforcement mechanisms, such as police, courts, and army, and can use them to infringe basic human rights. Consequently, means must be created to limit the state's power. One of those means is a system of internationally recognized norms designed to safeguard individuals against the government's violation of their human rights.

In many areas of the world, armed opposition groups demanding political recognition carry out executions without trial, as well as torture, kidnapping, and other grave actions. The fact that these same actions are considered violations of basic human rights when they are carried out by governments is one of the reasons that led human rights organizations to treat them in that light, rather than as purely criminal deeds.

In recent years, a commitment to human rights has become a virtual *sine qua non* for political legitimation. It is this quest for international recognition by armed opposition groups that has led and enabled the international community to call upon these groups to respect human rights.<sup>4</sup>

Some opposition groups have responded to the charges that they are violating human rights. The African National Congress in South Africa, for example, set up a commission of inquiry to investigate allegations of

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4. In the words of Richard Claude and Burns Weston: "Today, the legitimacy of political regimes - hence their capacity to rule non-coercively - is judged less by the old standards of divine right, revolutionary heritage, national destiny, or charismatic authority, and more by new standards informed and refined by the language of international human rights." Richard Pierre Claude and Burns H. Weston, eds., **Human Rights in the World Community: Issues and Action**, Philadelphia, University of Pennsylvania Press, 1989, p. 10.

torture and other maltreatment of detainees in the ANC's camps in neighboring states. The commission's findings were made public.<sup>5</sup> Furthermore, some opposition groups, including the ANC and the PLO, have requested the International Red Cross to consider them a party to the Geneva Convention.

The prevailing tendency in the international community to give preponderance to a commitment to human rights where the granting of political legitimation is concerned, together with the demand by opposition groups for political recognition and their request for affiliation with international conventions, led human rights organizations such as Amnesty International and Human Rights Watch to begin monitoring the activity of such groups.<sup>6</sup> At the same time, human rights activists in various countries – including Israel, Egypt, Peru, El Salvador, and the Philippines – urged their local community of human rights organizations to address violence perpetrated by armed opposition groups.<sup>7</sup>

The new trend is seen, for example, in the response of human rights organizations to operations of the Irish Republican Army in northern Ireland, the ANC in South Africa, Shining Path in Peru, and Palestinian

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5. A representative of Amnesty International was invited to take part in some of the work of the commission of inquiry. Amnesty International: "Torture, Ill-Treatment and Executions in African National Camps," December 2, 1992 (AI Index: AFR 53/27/92).

6. Human Rights Watch has long been monitoring actions by both governments and opposition groups, as the organization's reports show. See also: Aryeh Neier: "Monitoring Violations of the Laws of War in Internal Armed Conflicts; An Overview of Human Rights Watch's Involvement," *Human Rights Watch* (newsletter) 1990, 3:1-6; **Human Rights Watch World Report** 1992, pp. 22-23. Since 1982, Amnesty International has as a matter of principle condemned the torture and killing of prisoners by any side, including opposition groups. Following a prolonged internal debate, AI, at its annual meeting in 1991, decided to extend the organization's mandate to include the taking of hostages and deliberate and arbitrary killing by opposition groups. See: Amnesty International, Decision 5 of the 1991 International Council Meeting (AI Index: ORG 52/01/1991).

7. On Israel, see: Joshua Schoffman: "Is Human Rights Enforcement Only a Matter for Sovereign Nations?," *The Jerusalem Post*, August 23, 1989, p. 4. On Peru: Michael Shifter: "Derechos humanos – un nuevo enfoque," *Debate*, Vol. 12, No. 59 (March-April 1990), pp. 43-49; Richard Baure: "Human Rights and Terrorism in Peru: A Special Case," *Swiss Review of World Affairs*, April 1992, 13-17. On Egypt: Bahy a-Din Hassan: "Human Rights: No Special Pleading," *al-Ahram Weekly*, September 24-30, 1992. On the Philippines: Ramon Casiple: "National Liberation and Human Rights Advocacy in the Philippines: Five Propositions," *Human Rights Forum*, Vol. 1, pp. 3-22. On El Salvador: "Editorial – La Comision de la Verdad," *Estudios Centroamericanos*, Vol. 512, pp. 519-538.

organizations such as the PLO and Hamas.<sup>8</sup> **B'Tselem**, too, has already condemned the killing of suspected Palestinian collaborators by other Palestinians; this, however, is the first comprehensive report on the subject.<sup>9</sup>

International law recognizes minimal obligations applicable to a non-state party to a conflict. Article 3, which is common to the four Geneva Conventions of 1949, lays down principles limiting the activity of sides in a conflict which is not international. These principles can serve as minimal criteria for examining the attacks on suspected collaborators which are documented in this report.

The first paragraph in Article 3 states:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b. taking of hostages;
- c. outrages upon personal dignity, in particular, humiliating and degrading treatment;
- d. the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

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8. On the condemnation by human rights organizations of attacks on Palestinians suspected of collaboration with Israel, see: Middle East Watch, **Madrid Peace Conference: The Human Rights Record of the Principal Regional Parties**, "Palestinian Leaders," pp. 21-23; **Amnesty International Report 1993**, pp. 168-171.

9. See: **B'Tselem, Violations of Human Rights in the Territories 1990/91**, p. 12.

According to the interpretation of the Geneva Convention by the International Committee of the Red Cross (ICRC), the article's provisions are binding on all sides to a conflict, not only on the signatories to the conventions. The article applies also to entities which are not states and are unable to assume international commitments.<sup>10</sup> In

10. A number of clarifications must be made regarding the applicability of Article 3 of the Geneva Conventions to the occupied territories:

a. The Article applies only to an "armed conflict not of an international character," i.e. a conflict confined within the borders of a single state. *Prima facie*, it could be argued that the provisions of the Article do not apply to the specific context of the Intifada, as it is not an internal conflict. Nonetheless, the principles set forth in Common Article 3 have been recognized by the international community as of wider applicability than originally intended by the framers of the Geneva Conventions. The International Court of Justice ruled in *Nicaragua v. the U.S.*:

Article 3... defines certain rules to be applied in armed conflicts of a non-international character... . [I]n the event of international armed conflicts, these rules also constitute a minimum yardstick, in addition to the more elaborate rules which are also to apply to international conflicts...; they... reflect what the Court in 1949 called "elementary considerations of humanity...."

Because the minimum rules applicable to international and non-international conflicts are identical, there is no need to address whether those actions must be looked at in the context of the rules which operate for the one or for the other category of the conflict.

(From **Reports of Judgements**, International Court of Justice (ICJ), 1986, ICJ Report p. 114, par. 218.)

Moreover, some international law experts maintain that Article 3 applies in conflicts entailing national liberation, concerning which the First Protocol, appended to the 1949 Geneva Convention, is invalid. See M. Bothe, K. Partsch & W. Solf, **New Rules for Victims of Armed Conflicts. Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949**, M. Nijhoff, The Hague, 1982, (discussion of art. 96, Prot. I); H. Wilson, **International Law and Use of Force by National Liberation Movements**, Clarendon Press, Oxford, 1988, p. 169.

b. Even if we treat the Intifada as an international conflict, it should be noted that the ICRC's interpretation of the Geneva Convention holds that the principles of Article 3 should be respected even more stringently in situations of a saliently international character. See Jean Pictet (ed.), **Geneva Convention Relative to the Protection of Civilian Persons in Time of War**, ICRC, 1958, p. 38.

c. The Geneva Conventions do not stipulate the degree of violence required for the application of Article 3, since there is no clear definition of the essence of an "armed conflict" according to that article. It is, therefore, arguable that the intensity of the acts of violence perpetrated by the two sides in the Intifada is not great enough to be called an "armed conflict." However, the ICRC's commentary maintains that the principles of this article "should apply as widely as possible." Pictet, *ibid.*, p. 36. Similarly, a commission of experts determined that "the existence of an armed conflict, within the meaning of Article 3, cannot be denied if the hostile action, directed against the legal government is of a collective character and consists of a minimum amount of organization." ICRC, "Commission of Experts for the Study of the Question of Aid to the Victims of Internal Conflicts" (1962), p. 3.

the context of the present report, the PLO and the Islamic organizations in the territories constitute such entities. The PLO, as already mentioned, has sought affiliation as a party to the Geneva Conventions, and this can be seen as an expression of its readiness in principle to respect the basic tenets of the conventions.<sup>11</sup> The deeds described in this report violate the provisions defined in Article 3, especially the absolute prohibition on torture and on execution without trial. These prohibitions are unqualified and apply to all sides under all circumstances. (See Part C, Chapter 1, below).

## 2. The Phenomenon of Collaboration

Collaboration with a foreign conqueror who is perceived as an enemy is a phenomenon virtually as old as history itself – and so is the violence done to suspected collaborators. We do not intend to draw detailed comparisons between the phenomenon described in this report and attacks on collaborators in other times and in other places, as the circumstances differ in every case. We also do not wish to justify, minimize, or overstate the severity of the behavior of certain nations as compared with others. Still, it is fitting to mention a few examples of the many countries that confronted with the phenomenon of collaboration, resorted to the use of violence against collaborators.

In the war in Algeria (1954-1962), for example, FLN rebels killed – in many instances following torture – thousands of Muslim Algerians who were perceived to be supporters of France, including informers, policemen, mediators, and members of village or municipal councils.<sup>12</sup> During the period of the British Mandate in Palestine, Jewish activists killed several dozen Jews who were suspected of collaboration with the Mandate authorities.<sup>13</sup> In today's northern Ireland, the Catholic underground, the IRA, employs various kinds of punitive measures against suspected collaborators and against individuals who because of their "antisocial behavior" are considered potential informers. Besides

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11. Paul Lewis, "PLO Seeks to Sign 4 UN Treaties on War," *The New York Times*, August 9, 1989.

12. The number of Muslims killed by the FLN in the war's first two and a half years is estimated at more than 6,000, and the number of Europeans at slightly more than 1,000. See: Alistair Horne, *A Savage War of Peace*, Penguin Books, 1985.

13. According to a study of political killings in Palestine, during the British Mandate period twenty Jews were put to death by the Lehi, fourteen by the Etzel, and ten by the Haganah. Research by Dr. Nachman Ben-Yehuda, head of the Department of Sociology and Anthropology, Hebrew University of Jerusalem. Quoted by Daliah Karpel, *Ha'aretz*, April 9, 1993.



killing, other forms of punishment, such as kneecapping, are also practiced.<sup>14</sup> (For more on this topic see Appendix E)

### 3. Defining Collaboration in the Occupied Territories

Defining who is a collaborator is problematic: collaboration is in the eye of the beholder. According to Webster's Dictionary, "to collaborate," in the sense of this report, is "to cooperate with or willingly assist an enemy of one's country and esp. an occupying force."<sup>15</sup> Yet definitions of this sort, for all their semblance of objectivity, do not resolve the problem: general terms, such as "assist," are also elusive.

The Israeli authorities refer to *sayanim* (from the Hebrew for "assist" or "abet"), meaning Palestinians who are registered as having official intelligence contacts with one of the security branches operating in the territories – the General Security Service (GSS), the Israel Police, the IDF, or the Civil Administration. Palestinians recognized by the authorities as *sayanim* include various types of intelligence agents who furnish security information from within institutions, detention facilities, organizations, and towns or villages; or who assist the security forces in identifying, arresting, and physically harming wanted individuals. *Sayanim* whose identity has been exposed usually receive a weapon or other means of protection from the authorities for self-defense. The authorities also view as *sayanim* Palestinian land sales agents who help the government gain control of land in the occupied territories.

Another category recognized by the authorities is that of "threatened individuals." This refers to Palestinians who have certain ties with the authorities, but do not carry out intelligence missions or provide other direct assistance. Nevertheless, because they are at risk from other Palestinians, who consider them to be collaborators, they also receive means of protection from the authorities. "Threatened individuals" as defined by the authorities might be land brokers who had sold land to

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14. In 1992, there were 133 incidents of kneecapping in Northern Ireland. See *Ha'aretz*, August 12, 1993.

15. *Webster's Tenth New Collegiate Dictionary*. Merriam Webster Inc., 1991.

private Israeli individuals, employees of the Civil Administration, former policemen, and others with close ties to the Military Government.<sup>16</sup>

The Palestinian organizations apply a much broader interpretation to the term collaborator. They speak of an *'amil* (collaborator), a *jasus* (spy), and a *hayyen* (traitor). The tag "collaborator" is also attached to Palestinians who have no direct connections with the authorities, but are perceived, for various reasons, to have a pernicious effect on Palestinian society and on the Palestinian cause. The leaflets of the Unified National Command of the Uprising branded as collaborators not only intelligence agents, but also members of municipal and village councils, violators of the UNC's directives (such as officials of the Civil Administration who refused to resign, or individuals who paid taxes to the Israeli administration), supporters of Jordan, and others.

Frequently, individuals whose behavior was considered immoral or criminal were labeled collaborators. Many women who were suspected of engaging in prostitution or of having extramarital relations were so branded, along with drug traffickers and addicts, purveyors of pornographic material (or considered such by activists), and so forth. They were viewed as collaborators, it was sometimes explained, because they weakened the society and undermined the national struggle. Another explanation which was adduced, in some cases by secular organizations, was that such individuals were vulnerable to pressures and so could more easily be recruited as collaborators.

Some of the Palestinian organizations have expanded the idea of the collaborator to economic and political spheres. During the Intifada, leaflets of the Unified National Command of the Uprising referred to merchants who violated strikes, for example, as collaborators with Israel. Some leaflets published the names of such strikebreakers, "so that their punishment will be carried out terminally and in a revolutionary manner."<sup>17</sup>

This expanded concept of the collaborator might even see political opponents as collaborators who are part of a conspiracy against Palestinian nationalism. Circular no. 9 of the Unified National Command stated that "the political collaborator," although "not exploited for

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16. Comments by Brig. Gen. Aryeh Ramot to **B'Tselem**, August 8, 1993; comments by Brig. Gen. (Res.) Hayil Salah to **B'Tselem**, June 19, 1993; and testimony by collaborator Mahmud S. to **B'Tselem** on August 4, 1993.

17. Circular no. 4 of the Fatah, January 21, 1988.

observation and collecting information," does "serve the political machinations of the enemy, links himself with [the enemy], and assists him in executing his plots and propaganda, all the while presenting this [activity] in a patriotic light, as though he were fulfilling the needs and aspirations of the masses."<sup>18</sup> Indeed, Yasser 'Arafat himself was accused of "collaborating with the enemy" after signing the Declaration of Principles with Israel.<sup>19</sup>

An article in the Palestinian newsweekly *Monday Report* described a number of characteristics of collaborators from the Palestinian viewpoint: those licensed by the authorities to carry a weapon, those whose home was placed under protection, or those who moved to an unfamiliar locale. Collaborators were described as those who caused harm, either direct or indirect, to the members of their community. The article also noted that many were involved in criminal or immoral activity. In short, stated the article, they act as "a destructive cancer expanding the internal rot, which could corrupt, split, and weaken the entire society," and must be denounced.<sup>20</sup>

This report does not offer an independent definition of the term "collaborator." It tries, rather, to focus on the definitions of the Palestinian organizations and address them, for those definitions, and not external criteria, determine against whom violent action is taken. Nonetheless, many Palestinians were killed for baseless suspicions, due to errors in identification or various motives including interpersonal disputes, business and intra-organizational rivalries, and inter- and intra-organizational conflicts.

In a testimony to **B'Tselem** on August 11, 1993, Hussein 'Awwad (known as "al-Aqr'a"), commander of the Fatah Hawks in the Khan Yunis area, stated:

Not every Palestinian killed by Palestinians since the beginning of the Intifada was a collaborator. Some were eliminated by irresponsible people, due to personal motives. In some of the cases, errors were made in the eliminations. At the beginning of the Intifada, we still didn't know about the undercover units, and they also eliminated people while placing the responsibility on us.

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18. UNC circular no. 9, March 2, 1988.

19. According to his political rivals from the Hamas, the Popular Front and the Democratic Front, following the signing of the Declaration of Principles between Israel and the P.L.O. See *Hadashot*, October 20, 1993, September 27, 1993, *Yediot Aharonot*, September 28, 1993, *Ha'aretz*, September 13, 1993, September 12, 1993.

20. *Monday Report*, May 8, 1989, distributed by the Jerusalem press office of Dr. Sari Nusseibah.



"Abu Qa'id," an armed wanted person from the Seif al-Islam cell, identified with the Islamic Jihad, said in his testimony to **B'Tselem** on May 29, 1993:

In most cases we get the right person, but there have also been mistakes when we have executed people who were not guilty. Sometimes there are internal liquidations for other reasons, [as] when people disguise themselves as wanted men and murder people as if they were suspected collaborators.

#### 4. Contents of the Report

The first two chapters of Part 1 deal with the emergence of the phenomenon of collaboration in the territories since 1967 and the distinctive circumstances during the Intifada which gave rise to the attacks against suspected collaborators. Part A also describes the various methods used by the security forces to recruit collaborators and measures them against the standards of international law. Violence by collaborators against other Palestinians, and to what extent the authorities enforced the law in such instances, are also considered.

Part 2 looks in some detail at the categories of individuals who are perceived as collaborators by the Palestinian organizations or by their activists, and describes the attitude toward them taken by some of the organizations.

Part 3, the report's central section, explains the stand of **B'Tselem**, as a human rights organization, on the torture and killing of suspected collaborators. One issue which is addressed is the argument that in the absence of alternative methods of enforcement, the killing of suspected collaborators is the only means available to the Palestinians for coping with the phenomenon. This chapter elaborates on the different types of punishment meted out to suspected collaborators, including torture, execution, and other punitive actions. The background to the emergence of the cells that operated against suspected collaborators is addressed, and some of the cells are described. A sample test case is presented of all the attacks on suspected collaborators in the Nusseirat refugee camp in the Gaza Strip. Also examined are the methods for verifying information against suspected collaborators and attempts by the latter to "repent." The section draws on dozens of testimonies taken by **B'Tselem** from eyewitnesses, from victims and their families, and from actual perpetrators of interrogations and killings, including cell commanders.

Part 4 presents the stands of the two main political streams in the territories, the PLO and Hamas, on the question of collaboration and on the torture and killing of suspected collaborators. The chapter surveys the approach of the Palestinian leadership in the territories and outside, as expressed in the leaflets of the Unified National Command and of Hamas, in public reactions and statements to the media, and in investigations by **B'Tselem**. As part of the attempt to assess the leadership's responsibility for human rights violations, the report considers whether the local groups acted against suspected collaborators at the order or assent of the political organizations, or at their own initiative. An additional question is whether the Palestinian leadership, both religious and secular, took preventive measures.

Part 5 examines the policy of the authorities toward Palestinians who attack suspected collaborators and the means of defense and rehabilitation they make available to threatened collaborators. This point has taken on greater importance in light of the prospect of the implementation of Palestinian self-rule in the territories since the signing of the Israel-PLO Declaration of Principles.

## 5. Clarifications

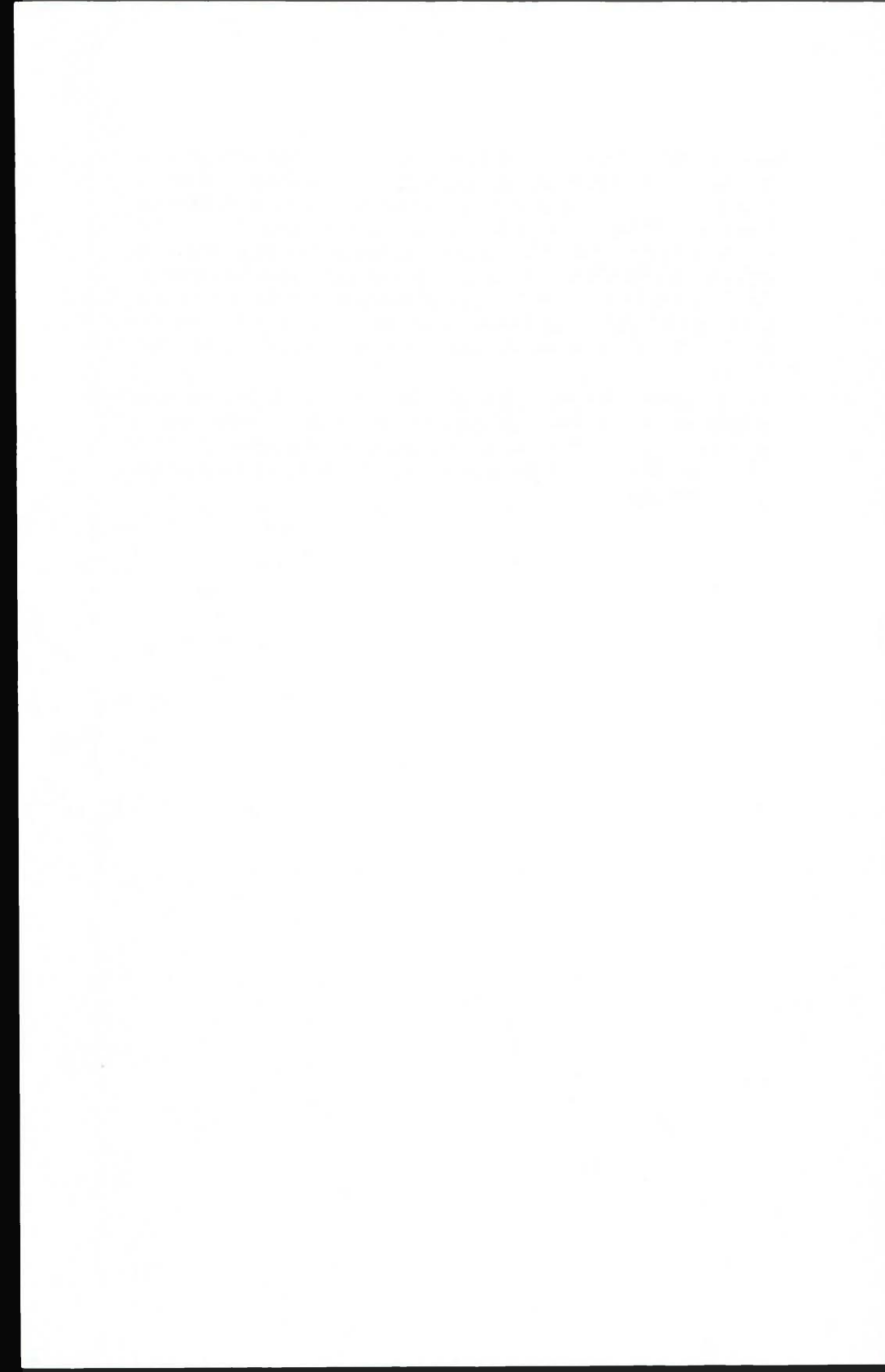
**B'Tselem** is aware that the emergence of the collaboration phenomenon and the attacks on suspected collaborators are related to a complex political reality. The report does not present all the aspects of these topics, but focuses on those which are relevant to a human rights organization.

On September 13, 1993 Israel and the PLO signed a Declaration of Principles. **B'Tselem** hopes that the agreement, if implemented, will significantly improve the human rights situation in the territories. It should be stressed that **B'Tselem** decided to compile this report long before the signing of the Declaration of Principles, and that the report deals primarily with the period before September 13, 1993.

Because of the sensitivity of the subject and the danger felt by some of those who gave testimony, the task of collecting testimonies for this report was a difficult one. At the request of some of those who spoke to **B'Tselem**, their testimony is cited anonymously; the full names of all the witnesses whose initials appear in this report are on file in our office.

Due to the tendency of the Islamic groups and organizations to maintain a high level of secrecy pertaining to their activities, and due to their tendency to avoid contact with Israeli organizations, **B'Tselem** faced great difficulties in collecting material from these bodies. The chapter covering those cells involved in torture and killing of suspected collaborators therefore deals primarily with Fatah-identified groups. This is, needless to say, not because **B'Tselem** considers torture and killing perpetrated by particular organizations to be a less serious infringement of human rights than similar acts carried out by other groups.

The quotations in the report are cited verbatim, although in some cases grammatical errors were corrected or abbreviations spelled out to facilitate reading. The rules of transliteration, the same as those followed by **B'Tselem** in previous reports, attempt to approximate the spoken language.

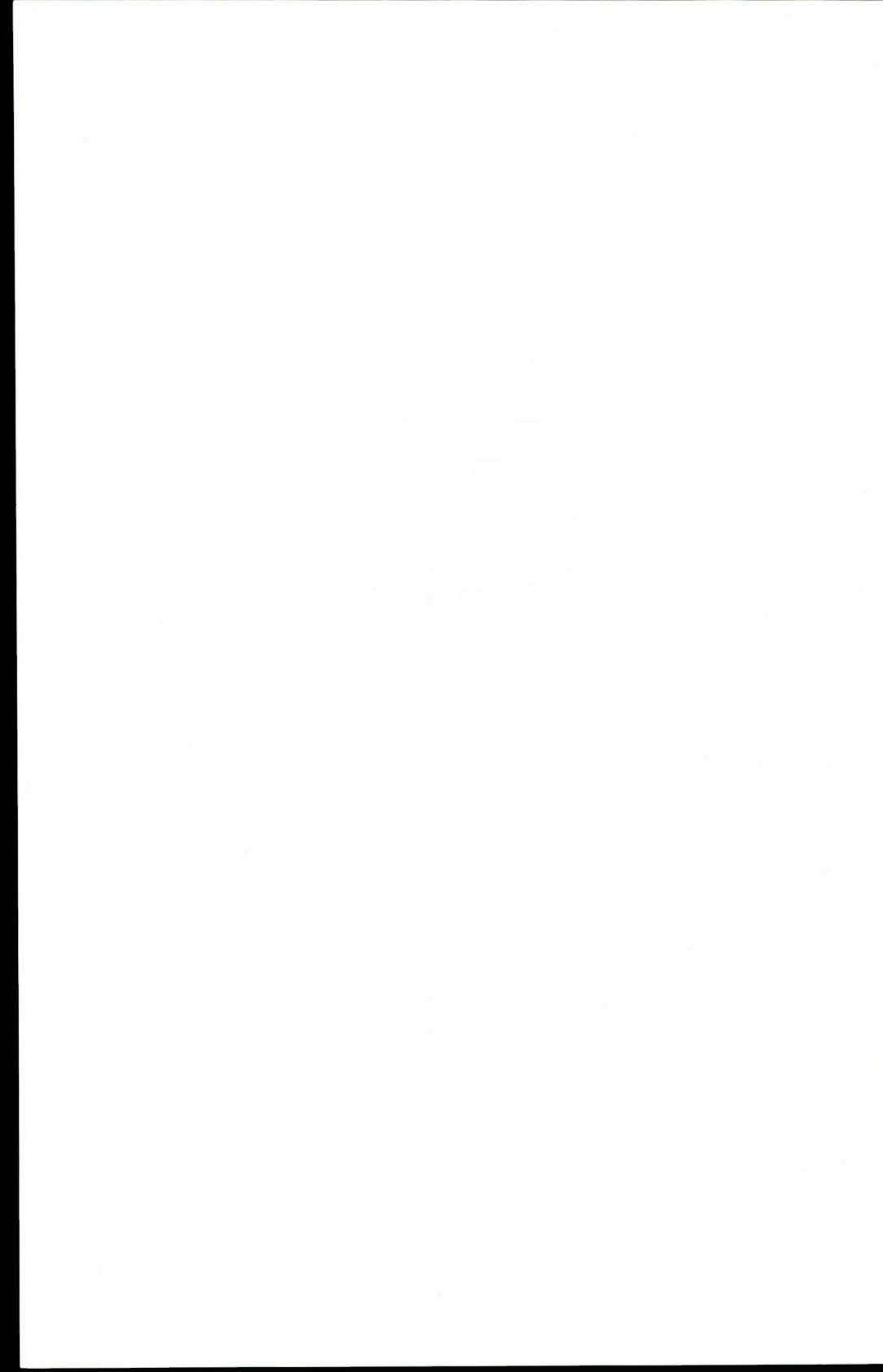


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## **PART A**

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### **Collaboration in the Territories - Background**



A foreign military government is inherently arbitrary and harsh, and the fact that this form of government has existed in the territories for more than a generation has brought about opposition and mistrust among the population under its rule.

For more than twenty-six years, the Israeli authorities have deprived the Palestinians in the territories of the possibility of choosing their own representatives, of enacting legislation through them, and of appointing officials, judges, and policemen to administer their affairs according to their will.

In the absence of such elements, basic social conventions have been virtually stood on their head in the territories. Preservation of law and order has come to be perceived as the interest of an illegitimate government, and the judicial system as a tool to impose its will. Violation of the law and disrespect for authority have acquired an aura of patriotism, creating a situation in which social order and conventions within the Palestinian society have been undermined.

Since June 1967 there has been political resistance, both violent and nonviolent, by Palestinian groups and individuals toward Israel and Israelis. As part of their efforts to suppress such resistance, the authorities set up a ramified network of agents among the Palestinian population.<sup>1</sup>



*Routine document check at the Erez checkpoint  
(Photograph by Nitsan Shorer)*

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1. On the operation of Palestinian agents in the territories, see: David Ronen, **Year of the GSS**, Israel Ministry of Defense, 1989 (Hebrew); and: Rafi Siton and Yitzhak Sasson, **Men of Secrets, Men of Mystery**, Idanim/Yediot Aharonot, Jerusalem, 1990 (Hebrew).

# 1. The Military Government and the Residents of the Territories

Israel, as the governing power in the territories, is responsible for providing various services to the population. Since 1967, governmental powers in the territories have rested with the various branches of the security forces. The Civil Administration, formed in 1981, responsible for the majority of these services, serves as an arm of the security establishment. Granting of requests for various permits directed to the Civil Administration are conditional upon the approval of the General Security Service, which is not obliged to substantiate its decisions and is not required to adhere to any criteria in its decision-making. The interests of the GSS, such as recruitment of collaborators or pressuring families to turn wanted family members over to the authorities, displace pertinent considerations and legitimate needs of those requesting services.

The security forces, including the Civil Administration, have approached the granting of various civil services not as the granting of legitimate rights, but as favors and expressions of good will, that can be revoked at any time. Maj. Gen. (Res.) Shlomo Gazit, the first coordinator of government activities in the territories, described the basic premise of the authorities in coping with resistance to Israeli rule in the following words:

The policy that emerged was directed toward creating a situation in which the population would have something to lose, a situation in which the most effective sanction is the revocation of benefits.<sup>2</sup>

On November 10, 1967, Moshe Dayan, then the defense minister, stated during a discussion that took place in the Ministry of Defense:

Let the individual know that he has something to lose. His home can be blown up, his bus license can be taken away, he can be deported from the region; or the contrary: he can exist with dignity, make money, exploit other Arabs, and travel in [his] bus.<sup>3</sup>

The effects of this policy are particularly evident to residents applying for the various permits for family reunification, having relatives from

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2. On the formulation of the military government's policy in the territories, see: Shlomo Gazit, **The Carrot and the Stick**, Zmora-Bitan, 1985, pp. 178-179 (Hebrew).

3. Gazit, *ibid*.



abroad enter the area, and travelling abroad, as well as requests for travel documents, permits to work in Israel, driving licenses, building permits, and other such allowances. Even seemingly simple matters involve a lengthy and cumbersome application procedure. Often the applicant is shuffled from one office to another, his requests are ignored, or he receives contradicting replies from different offices, unaccompanied by reasonable explanations.

A particularly painful problem exacerbated by this policy is the issue of family reunification. In the aftermath of the 1967 Six-Day War, many Palestinian families found themselves divided between the territories occupied by the IDF and neighboring Arab states. During the years of occupation, many more Palestinians have lost their resident status, often due to a prolonged absence from the territories. Palestinians living abroad who have relatives in the territories and wish to resume their residency there are required to submit an application for family reunification by way of a costly and lengthy process. The Israeli authorities have never defined the relevant criteria for such requests; they can approve or reject them without providing an explanation. Since 1984, official policy has been not to approve such requests, other than in rare and exceptional cases which are defined as "humanitarian or governmental considerations, and in the absence of any specific security deterrent."<sup>4</sup> With the outbreak of the Intifada, the phenomena indicating a policy of arbitrary denial of services worsened. During the first 3 years, the receipt of most permits was made dependent on seven different authorities, including the police and the GSS. Granting of services was often made conditional upon agreement to collaborate with the authorities, and along with special benefits and extortion, was a common recruitment practice.

Until the start of the Intifada, many collaborators conducted open relations with employees of the Military Government and the GSS. Such ties were for some a source of power and influence, and sometimes also a significant source of income. Many residents, needing permits from the authorities, paid large sums to collaborators to act as "lobbyists" for them *vis-a-vis* the GSS or the Civil Administration.

"Abu Fahed," a 34-year-old collaborator today living in Jaffa, explained his reasons for becoming a GSS informer:

I was young. I was attracted by the idea of having power and status and earning fast, easy money. I liked walking around with a concealed weapon, getting through [IDF] roadblocks with no

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4. Reply of Lt. Gen. Hanan Rubin, spokesman of the Civil Administration, to **B'Tselem**. January 25, 1993.

problems, dispensing favors, especially permits, to whoever I wanted.<sup>5</sup>

The Intifada generated a deep and significant change in the Palestinian public's attitude toward collaborators. Policemen and employees of the Civil Administration were ordered to resign, and individuals having ties with the Israeli administration were increasingly publicly denounced. Intifada activists began devoting much of their activity to dealing with collaborators, and there was a steady increase in the number of killings of suspected collaborators between the second and fifth years of the uprising.

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5. Dani Rubinstein, "Always on the Run," *Ha'aretz*, October 7, 1991.

## 2. The Collapse of Law and Order during the Intifada

Two judicial systems operate in the territories: local and military. The local civil system has three instances, based on the Jordanian judicial system (in the West Bank) and on the Egyptian system (in the Gaza Strip). The judges in these civil courts are Palestinians from the territories, who may be dismissed by the military commander. The courts are empowered to deal with civil suits and with crimes not of a security nature committed by Palestinians.

The military judicial system in the territories is a branch of the IDF. Its judges are IDF officers in regular or reserve service, not all of whom have legal training. The military courts operate according to the 1970 Order Concerning Security Provisions and are empowered to deal with security offenses according to Israeli security legislation and with criminal offenses according to local law.

At the beginning of 1985, a number of judges in the local judiciary system were tried and convicted of accepting bribes and perversion of justice, resulting in the weakening of the local judiciary system.<sup>6</sup> With the outbreak of the Intifada, this system was virtually paralyzed, not least because of the difficulty in bringing detainees to trial and subpoenaing witnesses and respondents, and disruption of the mechanism for implementing judgments. These hardships resulted partially from the resignation of the majority of the Palestinian police (then some 900), by order of the Unified National Command of the Uprising.

The economic hardships in the territories during the Intifada, and the undermining of law and order, produced a rapid rise in the crime rate.<sup>7</sup> Criminal offenders, outfitted like the ubiquitous "masked individuals" of the Intifada, committed crimes against property and violent attacks under the guise of "nationalist" deeds. In the words of Palestinian journalist Adnan Damiri:

Frightening nightmares haunt us all: writers, farmers, laborers, clerks, and the educated... the elderly, women, and even cripples. We are frightened for ourselves, of ourselves, of a

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6. Meron Benvenisti, **The West Bank Handbook**, Kaneh Publishers, Jerusalem, 1987, p. 40 (Hebrew).

7. See Dani Rubinstein, "Without Mechanisms of Justice," *Ha'aretz*, August 26, 1991.

dream that became a nightmare... . A friend of mine was arrested four times, and each time soldiers broke into his house, but today he is more afraid of break-ins by masked individuals who have no address or name or color... . There are hair-raising stories. There are merchants who pay protection money under the guise of making a donation to nameless people.<sup>8</sup>

The vacuum created by the absence of regular law enforcement systems during the Intifada was filled by various local forms of enforcement.

### **a. "Policing," "Juridical," and "Implementation" Operations by Militants**

Activists of the strike forces and other armed groups identified with the Palestinian organizations took it upon themselves to maintain law and order.<sup>8a</sup> To this end, they carried out quasi-police operations with the aim of deterring and punishing criminal suspects; they also engaged in the surveillance, interrogation, and punishment of suspected collaborators.

In late September 1993, a cell of the Fatah Hawks in Rafah detained three local residents whom they suspected of stealing \$30,000 from a money changer. Their hands bound, the suspects were interrogated before a large audience. One member of the cell, Taisir Burdini, related that after the suspects confessed he asked the crowd whether they should be released. The crowd demanded their execution. The interrogators' verdict was that they should be shot in the legs. Burdini concluded: "Finally we all fired in the air and the crowd cheered our display of justice. This shows what the Fatah Hawks are capable of doing to those who commit crimes in Palestinian society. We meted out justice in front of our people. We proved that we are the true Palestinian police."<sup>9</sup>

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8. 'Adnan Damiri, "The Fear and the Mystery." *al-Fajr*, July 1991.

8a. For a definition of the strike forces see Part C, footnote 7.

9. Roni Sofer. *Ma'ariv*, October 3, 1993.

## **b. Popular Justice and Arbitration**

During the Intifada, popular judges who based their verdicts on the *shari'a*, i.e., Islamic law, operated in the territories. In addition, a mechanism of agreed arbitrators came into being.<sup>10</sup>

For example, the *lijan al-aslah* (normative committees) arbitrated a broad range of issues, including clan feuds, land disputes, financial questions, and questions related to suspected collaborators. A family in which someone had been executed as a suspected collaborator might ask the committee to declare that he had not been a collaborator. Such committees were usually headed by influential, respected personalities such as Faisal al-Husseini in the West Bank and As'ad Siptawi in the Gaza Strip.

The governmental vacuum was peopled, side by side, with criminals, collaborators, and popular judges and arbitrators. While squads of masked individuals engaged in criminal activities, other squads carried out policing and punitive actions against both criminals and suspected collaborators.

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10. See also Dani Rubinstein, "Without Mechanisms of Justice," loc. cit.

### 3. Recruitment of Collaborators

Testimony gathered by **B'Tselem** indicate two main methods used to recruit Palestinian collaborators: making the granting of essential services and permits conditional on collaboration, and promising individuals suspected, accused, or convicted of security and criminal offenses to withdraw the charges, lighten their sentence, or improve their conditions in exchange for their cooperation and assistance.

Among the collaborators are some who enlisted willingly and not under pressure, believing that they were making a contribution to their community and to the Palestinian cause in general. 'A.H., age 38, who collaborated with Israel from 1971, gave the following testimony to **B'Tselem** on August 4, 1993, pertaining to his recruitment:

One day, on my way back from work in Netanyah, I found two rifle magazines and a helmet that had apparently fallen from a military vehicle. The following day I brought the objects to the police. The police officer thanked me and said that if I ever needed help, I shouldn't hesitate to call on them. Until then I hadn't known anything about spying, the GSS, *Mossad*. A few months later the village *mukhtar*, from my *hamulah* (clan), passed away. People from the *hamulah* turned to me because they saw that a relationship had developed between me and the authorities. They asked that I try to pressure the authorities. I did, and they told me not to worry, and that everything would be alright.

One day I saw a police vehicle parked by the house of the new *mukhtar*. I entered the house and met two Israelis inside. They explained to me that although they had a police patrol car, they were not from the police but from the GSS. After we spoke a bit, they told me that I looked like a good guy, and that if I were to need any help, I should go to them. But already by the next day two GSS agents showed up at my place and spoke with me about collaboration. After a few more meetings I began to work... .

Sometimes recruitment is arranged through means that [the recruiters promise] serves the interests of the Palestinian people. They say to them: "We have a budget of one million dollars," and offer that the person "help" them to "distribute the money." In this manner they lead them to believe that they are operating for the good of the Palestinian people.

Among other motives for enlistment are revenge, quest for power, honor and money, and other personal considerations. The security forces seek out individuals who have economic, social, family, mental or other problems, offering them assistance in return for their collaboration. In an interview to the press, A., a former GSS agent, spoke about recruitment methods:

You don't just take people off the street. The first thing is that you look for people from inside the [Palestinian] organizations. You try to recruit people who are involved in activity. Let's say there is a group of twenty people. From them we look for the people who have a good motive for enlisting. For example, a bad economic situation, family reunification, need for help, for assistance, cutting a prison term... the need for medical treatment is a good motive. You have to understand that today it is extremely difficult to recruit agents, and the [GSS] invests tremendous resources in this. Fear of the masked individuals also makes things difficult.<sup>11</sup>

A.H., a resident of Rafah, who was recruited to the GSS and afterward "repented," (for more on "repentance" see Part C of this report) told **B'Tselem** in his testimony of December 2, 1993 that he had been persuaded to act as a collaborator in order to enhance his family and social status:

My motive for becoming a collaborator was to be stronger than B. [his brother-in-law, also a collaborator]. I did it because I did not have a strong family. I had no support, and this would give me leverage against him... I felt that the authorities and the collaborators were like a family for me, because I had no other family. I wanted status and power, and I got them there.

## a. Vital Services Conditional on Collaboration

The security forces talk of an "administrative consideration" to explain the granting of a permit or license to an individual who agrees to become a collaborator. In testimony to **B'Tselem** of August 21, 1993, the collaborator 'A.T. stated:

Since 1967, there is no one in the territories who has requested a service or permit of some kind from the Military Government who did not receive an offer from the GSS to act as a

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11. Michal Karpa, "Dangerous Relations," *Ma'ariv*, January 8, 1992.



collaborator in return for his request being fulfilled. That is the nature of the occupation. Whoever wants to get ahead a little in life, whoever has ambitions, encounters the dilemma at a certain stage. A resident of the territories who wants to bring his wife from Jordan has to choose between making an annual payment of 100 dinars for a summer visitor's permit, finding another wife, or collaborating in order to obtain [approval for] family reunification.

H.A., a resident of Dura, a village in the Mount Hebron area, told **B'Tselem** in a testimony from September 1, 1992 about his attempt to leave the West Bank, via the Jordan River bridge, so he could travel to Egypt to study business administration:

On May 15, 1992, I was at the bridge, with an exit permit for studies in Egypt, but it was returned to me with no explanation. The next day, I went to the Civil Administration at Dura, where the officer Fuad Halhal told me that everything was in order and that I could leave. Two days later, I was again at the bridge and was sent back, without being told why. The officer at the bridge said it depended on the computer and that I should check with the Civil Administration or the GSS or a lawyer. The next day I went to Attorney Muhammad Khalil, in Hebron, who submitted a request to the Civil Administration in Beit-El. On July 22, I received a letter stating that there was no obstacle to my going. To enter Jordan, I had to get the permit stamped by the Civil Administration. On August 2, 1992, I went to the Civil Administration in Hebron, where they made me sign a declaration that I would not return to the region for at least nine months. They did not stamp my papers until August 25.

The next day, I again went to the bridge and was sent back. I called Atalia Avshalom at the office of the legal advisor at Beit-El and told her that I had been sent back even though she had said that everything was in order. She said she would look into the matter. I called back half an hour later, and she said a reply had arrived that I was prohibited from going. She said I might be able to go if I agreed to stay away for two years.

I went to see Attorney Muhammad Salam Shaheen. He suggested that I approach the military governor of Hebron. I went to him. He took the permits and then called in a GSS agent, who took me to an interrogation room.

In the room was a man named Q., who said, "I know a lot about you and I can send you to jail. It's important for me to know about your activity in the village." He also said: "There is no one who can approve your departure except myself, and your whole



future is in my hands. You want my help now, and in return I want your help." He did not elaborate, and of course I did not agree. He offered me money, saying: "As much as you want. You will have a new car, and I will give you an Israeli ID card with which you can travel freely in Israel." I told him I wasn't interested. I was there for about a quarter of an hour. He became agitated, and said: "I know so many things about you, and I will put you into jail." I said there were no grounds, and he said, "Wait and see. It will happen soon." Then he said, "Think it over carefully, and if you decide yes, I am here every Thursday, and take my phone number." I told him I didn't want the number.<sup>12</sup>

The following is from an affidavit by 'A.I., from the village of Y'abad, submitted to the *al-Haq* human rights organization on July 25, 1992:

Around November or December 1991, I asked the collaborator A.N. to get me an entry permit to Israel for my vehicle. He promised to help and told me to be in touch with him soon for a reply. During the meetings with me, he suggested that I meet with intelligence agents from the GSS.

I received the permit in exchange for a can of olive oil that I gave A.N. Afterward, I drove my car to the Haderah police station, where I met with "P." and A.N.

P. took me into a room in the police building and began asking me all kinds of questions about myself and my family. He also introduced himself, saying he was the GSS officer responsible for the Y'abad area. The meeting lasted about twenty minutes, during which we set a date for another meeting, in Netanyah.

The meeting in Netanyah lasted about three-quarters of an hour. He asked me about people from the village who were known to be active from a nationalist standpoint. He expected me to give answers, but I always replied "I don't know," and thus I did not reinforce or refute any information he had about any of the activists in Y'abad. I gave him the feeling that I had no connection with the people in the village. At the end of the meeting he arranged another meeting, for two months later, in Netanyah. He also gave me his phone number. After I left, I had the feeling that I must not help him, so I decided not to come to the third meeting.

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12. See letter to B'Tselem from Second Lieutenant Ataliah Avshalom from the Beit-El Legal Advisor's Office, July 22, 1992.

A few days later [after the two-month period passed], some military vehicles arrived in Y'abad. The soldiers started collecting ID cards from the residents, and after checking them returned them to their owners. But they kept my ID card. P., who was there, came up to me and asked: "Why didn't you come on the appointed date?" Then he said, in a quiet tone, "I can get to you at any time. If you see a sign on the olive press in Y'abad, you will know that we need you." My ID card was returned, and a month later I contacted P. and we arranged another meeting in the same apartment in Netanyah.

He began asking and interrogating me about people from Y'abad and about my relations with them, where they worked, what their activity was in the Intifada, etc. I emphasized that I knew nothing about the activity of these people, and I always replied in the negative. The strange thing was that until the third meeting, no one directly asked me to collaborate. The meeting ended after about an hour, and the emphasis was that I should answer their questions and come if they asked me, via signals that they would write on the walls of the olive press in Y'abad.

I met with him another two or three times in the apartment in Netanyah, and after each meeting I received 1,000 shekels as "reimbursement for travel expenses." In one meeting I was asked explicitly to watch and collect information on certain people from Y'abad, their social ties, their movements, etc. They made it understood that they intended to monitor my work and to make sure that I was really doing what they asked me to.

In the next to last meeting, he asked me to take part in a mission with the army and the GSS. I refused. I decided not to cooperate any more and not to show up at the meetings that were arranged. But five months after the last meeting, in early July 1992, I heard a crash outside, and I saw through the window that a military vehicle had collided with my car which was parked in the courtyard of the house, far from the road. The soldiers asked for my ID card, my driver's license, and my car insurance, claiming they wanted to compensate me for the damage, and asked me to go over to the jeep, which was some distance away. Then I understood that the accident was a trap. The soldiers took me to the jeep, in which was seated a GSS officer who asked me to come to a meeting with him.

They left me alone after the driver of the jeep who hit my car gave me a paper so I could apply to the Civil Administration and receive compensation for the damage. In any event, I do not want the compensation, because I understand that this is how

they want to coerce me to meet with them, and I insist firmly that I do not want to do this.

In a conversation with **B'Tselem** on August 11, 1993, A.B., an Israeli attorney, related:

Four years ago, a resident of the territories asked me for help. His wife was suffering from medical problems that caused her to miscarry, and she needed medical treatment in Jordan. [He was promised an affirmative response to] his requests for an exit permit on condition that he collaborate with the GSS. In his distress, he agreed to collaborate, but in practice he did not supply information to the GSS. The result was that his handlers retracted their promise to grant his wife an exit permit to Jordan. This case illustrates how much the need for various permits is a perpetual source for recruiting collaborators.

## **b. Recruitment of Suspects, Defendants, and Individuals Convicted of Criminal and Security Offenses**

Many collaborators were recruited while they were detained or imprisoned in interrogation and detention facilities. Recruitment methods included use of pressure, or promises to erase indictments, shorten a prison term, or improve prison conditions for the person in question.

D., an active collaborator since 1976, stated in a testimony to **B'Tselem** on August 21, 1993:

In 1976, I was caught because of an informer while burning tires on a road near Tulkarm. The punishment for this kind of action was then a fine of 600 pounds. I was 17 and had no money. The GSS offered to erase the indictment if I would start to work with them. I agreed. Since then, and even after I was "burned" at the beginning of the Intifada, I have worked as an agent of the GSS.

M.A., a collaborator from the Nablus area, also began to work with the GSS in the wake of a criminal charge. In his testimony to **B'Tselem** on August 21, 1993, he related:

At the end of the 1970s, I worked in a factory in the Netanyah area. I was accused of sabotaging the machines in the factory and of causing a great deal of damage. The police informed me that I could go to jail for eight years. While I was in detention,

someone from the GSS came to see me and said there were enough witnesses to incriminate me and that I was in trouble, and that only he could help me. He offered to cancel the indictment if I would agree to collaborate. His request was a modest one: "If you hear something that might interest us, you will have to report it to us." The principle of recruiting collaborators is first of all to get the recruit to agree in principle to do something. After that, it develops. And in fact, after I was released, meetings were arranged for me with the GSS coordinator, and I began to work and to pass on information.

On December 16, 1993, Muhammad F., married, father of three, from a West Bank village, approached **B'Tselem**. He had been detained for several weeks, during which he was interrogated by the GSS on suspicion that while he was abroad he had contacted agents of the Democratic Front and had recruited operatives for that organization. He claimed he had been tortured while in detention in an attempt to force him to become a collaborator:

The interrogator to whom I confessed [about making contact with the Democratic Front while abroad] suggested that I collaborate with "Captain S." I said I could not do that. He said: "We will torture you again despite your asthma... ." After putting a sack on my head, he sat me down on a chair and tied my legs to the legs of the chair. Suddenly, someone placed his hand on the back of my head, while his other hand covered my nose and mouth. I felt that I was suffocating... . He kept repeating: "You have to cooperate with 'Captain S.'" I said that I was ready to sign. A week later, "Captain S." arrived, showed me a document, and said: "I heard that you want to cooperate. Take this, sign." I signed.

According to Muhammad F., after he agreed to collaborate, GSS agents instructed him not to tell the police in interrogation that he had recruited for the Democratic Front. They also warned him not to tell the court that he had been tortured by the GSS. On October 14, 1993, the Tulkarm military court sentenced him to two months in prison, which he had already served, and fined him NIS 2,000. On December 12, 1993, after his release from prison, he was summoned to agent "S." who showed him the commitment to collaborate which he had signed.

"S." told me I had to honor my commitment. I said I was absolutely unwilling to collaborate and that I had signed the document only because I had been tortured. "S." said that if I changed my mind, he would show the signed document to my family and shame me before the village. I said there was no law

in the world that obligated a person to collaborate with the authorities. "S." said that he was a GSS agent and that he was the law. He said he had released me from detention only because I had signed the document. He also warned that he intended to distribute the document among the worshippers in the village mosque.

Now I can't sleep at night because of the document. I am from a good family in the village, and this is something that frightens me very much. Sometimes I think of suicide because of my mental crisis. I am afraid that he might send collaborators who will beat me or burn my house, and then the people in the village will say it was done because I was a collaborator. I don't know what to do now. Maybe I will attack Israelis so that no one will say I am a collaborator.

In an interview to the Jerusalem weekly *Kol Ha'ir*, the collaborator B. said that he was personally acquainted with more than 300 Palestinians who had had an investigation dropped or an indictment against them erased in return for collaborating.<sup>13</sup> He related that he had been arrested when he was 16 (more than twenty years earlier) after stabbing a young man in the Old City of Jerusalem. B. was recruited when he was remanded in custody by the court; a GSS agent promised that he would be released in return for providing assistance. For some 15 years, B. reported on terrorist activity perpetrated by residents in his area.

### **c. *Isqat***

On many occasions, in leaflets and in other published material, the Palestinian organizations have warned against *isqat*. Literally, the word means "knocking down," in the sense of tripping someone up or causing his moral deterioration. In this context, it refers to extortion or exerting pressure, usually through sexual means, in order to recruit collaborators. According to the Palestinian organizations, *isqat* is carried out in a variety of ways. One example is photographing girls or women in the nude and while they are having sexual intercourse, and threatening to publish the photographs if she does not collaborate. Another is having a woman collaborator persuade young girls to become friends with collaborators; the latter then pressure the girls to

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13. Yosef Cohen, "Signed Up for Life," *Kol Ha'ir*, July 27, 1990.

become collaborators as well. According to another method, male and female collaborators may be sent to a detention cell to have sexual intercourse with a detainee in an attempt to break his staying power in interrogations. (See also Part B, Chapter 6: "Morality, Family Honor, and Collaboration.")

In a testimony on August 12, 1993, Yusef al-'Arjani, commander of the Fatah Hawks in the Rafah area, told **B'Tselem**:

There are clothing stores in which the *isqat* process takes place. The cameras are hidden in the women's fitting rooms, and the women are photographed in the nude. Yes, there are beauty salons where women were photographed in immoral positions, and the same is so in video supply stores that sell pornographic films that tempt people into immoral crimes.

The term *isqat* was first used in this connection in the territories during the early 1980s, but became widespread following the publication of the book *al-Dahiyyah Ta'ataraf* (The Victim Confesses). The book describes the alleged exploits of a Jenin resident named Mazen Fahmawi, who was killed at the beginning of the Intifada on suspicion of collaboration. According to the book, Fahmawi is said to have recruited dozens of young men and women to the GSS through the use of intimate photographs and extortion. The rumors about Fahmawi were first circulated among security prisoners. Later, a book was printed and thousands of copies were distributed. The book had a powerful impact in the territories and probably was a formative



*Um Barakat:  
Killed on suspicion of "immoral  
behavior" and isqat.*



influence on many young Palestinians in helping to create a stereotype of the collaborator.<sup>14</sup> Cases are known of Intifada collaborators who, under torture during interrogation by Palestinians, claimed that they had become collaborators because they were the victims of *isqat*. This, they hoped, would be considered extenuating circumstances.

In September 1986, two men incarcerated in Nablus prison were murdered on suspicion of being involved in *isqat*. According to the testimony to **B'Tselem** of S.J., who was with the two men in prison at the time before they were executed, had a list of more than one hundred young men and women from the West Bank who were also involved in *isqat*. The list, which later turned out to be false, was smuggled out of the prison, and men and women whose names appeared were interrogated and attacked as a result.

The following is an extract from a document circulated in the occupied territories in the 1980s, entitled "Let the Methods of the Enemy's Security Services be Exposed." The document describes various methods which, according to the authors, are used in *isqat*:<sup>15</sup>

1. A collaborator rapes a young woman while another collaborator photographs the act. The collaborators or the GSS threaten to shame the girl publicly if she does not cooperate with them.
2. A collaborator forms a romantic attachment with a young woman and induces her to have sexual intercourse with him; she is photographed in the act and coerced, under threats, to collaborate.
3. A young female collaborator befriends girls from her social class, and encourages them to pay more attention to their clothes, makeup, and appearance in general, while prodding them to form romantic attachments with young men of questionable backgrounds. Their task is to lure the girls into a dissolute life and later, to collaboration.
4. A young female collaborator becomes friendly with a group of unsuspecting youths and induces them to have sexual relations with other female collaborators in order to make them do her will.
5. Collaborators sedate a young man or woman in order to make him/her have sexual relations with them and photograph them in the act.

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14. In a conversation with **B'Tselem**, the owner of a printing press in Ramallah said that his press alone had printed more than 10,000 copies of the book.

15. Document of the Popular Front, circulated in the territories in the 1980s. Undated. Translation from Arabic to Hebrew by **B'Tselem**.

6. Collaborators follow a pair of lovers and photograph them at the climax of their sexual activity, even if she is innocent [not involved in *isqat*]. They [then] threaten to display the photographs if they [the lovers] do not cooperate.

7. Collaborators invite young men and women to a dance party at which the alcohol flows freely. At the end of the party, when everyone is drunk and sleeping with one another, they are photographed by the collaborators, who threaten to display the photographs if the victims do not cooperate.

8. Intelligence agents plant collaborators to have homosexual relations with minors in detention. The latter are then threatened with exposure if they do not cooperate.

9. In the Ashkelon prison, intelligence agents often send Jewish prostitutes to have sexual relations with young men in solitary confinement, and use this as a basis for extortion.

As part of the research involved in producing this report, **B'Tselem** made considerable efforts to find evidence supporting or refuting the claim that *isqat* exists. Despite these efforts, we found no clear proof that systematic and widespread use of *isqat* is made to recruit collaborators. Nevertheless, we thought it proper to address these claims because of their place in the Palestinian national consciousness and because of their wide implications for interrogations, confessions, and executions of suspected collaborators.

## Conclusion

The recruitment of Palestinian collaborators in the territories by using pressure, taking advantage of an individual's distress, or making vital services conditional on collaboration, violates international law. Article 51 of the Fourth Geneva Convention states:

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

Article 147 defines "compelling a protected person to serve in the forces of a hostile Power" as "a grave breach" of the convention. In the International Committee of the Red Cross's (ICRC) commentary on the Geneva Convention, Jean Pictet notes that the Convention's framers stated explicitly that not only is recruitment of protected persons to an



occupying army or auxiliary forces prohibited, but so is any form of pressure or propaganda intended for this purpose.<sup>16</sup>

Making the granting of services conditional on the recipient's collaboration with the authorities is illegal even according to the rules of normal administration: the resident's eligibility must be determined according to uniform, substantive criteria. Some of the services that the security forces make conditional on collaboration are rights to which every person is entitled, such as freedom of movement or the right to reside together with one's spouse.<sup>17</sup>

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16. See: Jean Pictet (ed.), **Commentary, Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War**. ICRC, 1958, p. 293.

17. B'Tselem, **Violations of Human Rights in the Occupied Territories**, p. 152.

## 4. Violence by Collaborators and Enforcement of the Law

According to **B'Tselem's** data, the prime suspects in the killing of at least twenty-three Palestinians during the Intifada are collaborators who bear state-licensed firearms. Three additional similar cases are currently under investigation. **B'Tselem** has also documented other cases of bodily harm and property damage by collaborators acting independently against Palestinians. In some instances, the collaborators were reacting to attacks by Palestinians; in others there was no provocation. In addition, cases are known in which collaborators employed violent means on behalf of, to the knowledge of, and in coordination with the Israeli security forces.

Many of the open collaborators (including undercover agents whose cover was "blown") were armed by the authorities for purposes of self-defense alone. Most of the real-estate dealers, brokers, and others who have close connections with the Military Government (such as former members of the Village Leagues and former appointed mayors or local-council heads) also received weapons for self-defense. In fact, anyone whom the authorities term "threatened" is supposed to receive means of self-defense, ranging from a panic button to a weapon. (On granting of arms to "*sayanim*" and "threatened individuals," see also Part 5, Chapter 2: "Protection, Rehabilitation and Assistance to Collaborators.") In reply to a parliamentary interpellation of November 30, 1989, by MK Dedi Zucker, Defense Minister Yitzhak Rabin stated that the weapons given to Palestinians in the territories "are meant exclusively for self-defense, and those receiving the weapons receive detailed instructions in this spirit for their use. The governor of the region oversees the weapons and ammunition given to residents. The weapons and ammunition are examined and numbered before being handed over, and surveillance and supervision are employed to ensure that the weapons are indeed used only for self-defense."

A senior security official in an interview to the *New York Times* on September 24, 1989, explained why the security forces arm many collaborators:

We can't put a jeep with four soldiers to guard each one of them 24 hours a day. We can only give them the minimum ability to defend themselves, and that means weapons.

The security official added that the agents had not been authorized to use their Israeli-supplied weapons to threaten fellow Palestinians.

Regarding the reason for recruiting the collaborators, the official stated that they were needed for "intelligence cooperation and supply of data," and that they were "helping the army find people to arrest - after all, they lived in the villages, they know the ins and outs and the hiding places."

To the Palestinian organizations, the fact that a Palestinian from the territories bears state-licensed arms marks him indisputably as a collaborator. These organizations view the armed collaborators as wanted individuals who are beyond the pale of the law and can never be forgiven. In the mid-1980s, Fatah issued a secret document stating that the execution of armed collaborators was justified because they had committed crimes against their people. According to "*Jawhar al-Amn*," a secret Fatah document on security matters written during May 1990 in Ashkelon Prison, armed collaborators are "people who have lost all shame, honor, and conscience... , and whose interests are bound up with those of the Israeli security mechanisms, so that even attempts at penitence are useless." Hamas founder Sheikh Ahmad Yassin, in an interview to **B'Tselem** (see Appendix C, this report,) stated that it was a commandment to kill armed collaborators, as the fact that they are armed removes any doubt that they are indeed collaborators.

Many armed collaborators are also known to have assisted the security forces in operations to capture suspects and wanted individuals, impose closure and curfew, set up roadblocks, and make arrests.

In some of the cases, collaborators carried out illegal acts to the knowledge of and even in the presence and with the backing of security force members. On November 13, 1988, Ghalem Muhammad Hassan Hantuli, from Jenin, was killed in an ambush set by the security forces and Palestinian collaborators. An IDF Spokesperson's announcement that day stated that Hantuli was killed after refusing to stop his car at a roadblock. Affidavits submitted by eye-witnesses to the West Bank staff of the Association for Civil Rights in Israel (ACRI) told a different story. They claimed Hantuli was killed by a man in civilian clothing known to them as a collaborator and that it was untrue that he had refused to stop at a roadblock. (Hantuli did not have a driver's license.) Minister of Police Haim Bar Lev, replying to a parliamentary interpellation submitted on June 5, 1989, by MK Haim Oron, confirmed that: "One of the shooters was a local who is defined as a collaborator." The police investigation file in the case was transferred to the Northern District Attorney's office, where it was closed due to insufficient evidence.

An additional testimony taken by ACRI states that on February 27, 1989, N.J., the collaborator suspected of killing Hantuli, threatened a Palestinian who wanted to submit a complaint to the Jenin Military

Governor that N.J. had attacked him in a previous incident. According to the *ACRI* report, N.J. said to the man: "I will finish you off just like I finished off Ghalem Hantuli.

*ACRI*'s testimony indicates that many violent acts were perpetrated by groups of collaborators in the Jenin area at the beginning of 1989, with the knowledge of, under the auspices of, or in cooperation with the IDF. A group of armed collaborators, who moved to the Fahmeh refugee camp after being kicked out of the town of Y'abad in the northern West Bank, attacked Fuad Farasini and 'Ali Qoqus, residents of



*Tulkarm: A collaborator armed by the authorities.  
(Photograph by Nitsan Shorer)*

the neighboring village of 'Arrabeh, on March 11, 1989. Four soldiers, who passed by the site of the incident in a military jeep, asked the attackers what they were doing. The latter claimed that the two had "incited" residents against them, presented papers identifying themselves as accomplices to the [area] commander, and subsequently left the site. Following this, the soldiers also left. On March 16, 1989, two members of this group of collaborators stood at the checkpoint at the entrance to the village of 'Arrabeh, alongside soldiers, conducted searches with them, and instructed the soldiers as to who was to receive traffic reports.

Attorney Dan Simon of *ACRI* sent a letter regarding these incidents to OC Central Command Amram Mitzna on June 14, 1989. In his letter, Attorney Simon stated that collaborators in the Jenin area had participated in the identification of detainees in the encampment located in the courtyard of the Military Government Headquarters in Jenin, and in violent, cruel and humiliating interrogation. In addition, collaborators were involved in a large number of violent incidents in the area, including beating of women with clubs and axes, armed threats, damage to automobiles and other property, stealing money, throwing tear gas grenades, abduction attempts, and even involvement in manslaughter (of Ghalem Hantuli). "In our view," wrote Simon, "the IDF is responsible not only for the acts of its soldiers and officers, but also for the behavior of civilians operating under its auspices. This viewpoint is grounded in the rules of international law." In his response of July 9 of the same year, Colonel Ahaz Ben Ari, then West Bank legal advisor, wrote: "I do not accept your view, according to which the IDF is 'responsible' for the behavior of the persons mentioned in your letter. Even if they have been labeled as collaborators, the deeds attributed to them were not performed on the IDF's behalf, and they enjoy no immunity regarding them. In order to cast aside all doubts, I wish to make it clear that on the basis of your letter alone I am unable to instruct the police to open an investigation."

Many cases are known in which armed collaborators have used their power and their weapons to intimidate other Palestinians. They have made use of their arms to "retaliate" against people they suspect of trying to harm them, to settle personal accounts, and to commit crimes. For example, on August 29, 1990, an armed collaborator, Muhammad Salah al-'Arrub, from Nablus, tried to shoot detainees being held in the Nablus detention facility, claiming that they had been involved in killing his twelve-year-old son six months earlier. Alert soldiers overcame al-'Arrub before he could harm the detainees.<sup>18</sup>

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18. Yizhar Be'er, *Ha'aretz*, August 30, 1990.



On March 20, 1991, S.D., a known armed collaborator, shot to death his brother 'Omar, age 34, in the course of an argument they were having about building a chicken coop at the edge of their property. The wife of the deceased, H.Y., who was a witness to the event, told **B'Tselem** on February 23, 1993:

I saw my husband's brother, the collaborator S.D., leave his house carrying a pistol. He started shooting immediately, but I didn't see what he hit... I saw a few people holding the agent S., but he broke away from them and fired another shot at my husband, who was standing next to me... Two minutes after my husband was wounded, soldiers arrived on the scene. When the soldiers arrived, I saw one of them take the pistol out of S.'s hand. They spoke in Hebrew and went into the house with him. About an hour later, the police came to S.'s house. I saw them talking to him and taking measurements at the site of the incident. Afterward, they left. Two hours later, the collaborator went with soldiers in an army vehicle in the direction of a-Ram. At about 5:30 that day, I saw Salah return to the house in a red car..., wearing his pistol on his hip outside his shirt in a conspicuous manner... The following morning I learned that my husband had died. I was not summoned to the investigation even though I was a witness to the entire incident.

In the wake of the incident, the Ramallah police opened an investigation (P.A. 854/91). In reply to **B'Tselem's** request for information on the legal measures taken against the suspect, we were apprised that the police file had been transferred to the military prosecution on April 4, 1991.<sup>19</sup> On August 11, 1993, **B'Tselem** again asked the police whether there had been developments in the investigation, but to this day no reply has been received.

Ibrahim Shamasnah, from the village of Qatanah, Ramallah District, is a known armed collaborator. On July 9, 1990, he shot to death Samir Muhammad Ghrayyeb, age 25, from the village of Beit Ijza. Shamasnah apparently meant to shoot someone else, from the Badwan family, whom he thought had killed his son, Aiman, the day before. In testimony to **B'Tselem** on February 18, 1993, Sabri Muhammad Ahmad Ghrayyeb, the father of the young man who was killed, stated, in part:

Following mediation by conciliators in the aftermath of a violent quarrel in the Shamasnah *hamulah* [clan], it was decided to hold an *'atwah* [*sulha*, or reconciliation] at Beit Ijza. Some 40 people

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19. **B'Tselem** letter of January 24, 1993, to Chief Superintendent Amirah Shabtai, head of Investigations Department, Israel Police, and response of February 16, 1993, by Chief Inspector Yoni Tsioni, Investigation and Prosecution Division, Control and Supervision Section, Israel National Police.

were present. At about 1 p.m., Ibrahim Shamasnah, an armed collaborator, arrived. He waved his pistol in violation of every hamulah rule at the *mukhtar* of Qatanah village, Abu Rafiq [Badwan], whom he accused of attacking a member of his family. Abu Rafiq threw himself on the ground, just as the murderer fired two shots with his pistol from a distance of three meters. The shots struck my son Samir, who was standing immediately behind the *mukhtar*. The bullets entered my son's forehead and a stream of blood burst out. Samir was buried that day at about 7 p.m.<sup>20</sup>

A police investigation began, which was referred in September 1990 to the military prosecution, and closed on the pretext that fire had been opened in self-defense.<sup>21</sup>

On November 10, 1990, Shamasnah and ten members of his family went to the home of the Badwan family. They entered the house and stabbed the wife, Fatmah Badwan, age 65, eight times in the back, wounding her in the chest and spleen, and causing internal lesions. They then threw acid on her chest and in her eyes, blinding her and scarring her face.<sup>22</sup>

The investigation of the second case has continued for three years with no results. On November 16, 1990, Attorney Leah Tsemel told the Ramallah police that the life of Fatmah Badwan was in danger. On April 1, 1991, Tsemel asked the minister of police to intervene. On April 19, she received a reply from the office of the minister, stating that the allegations "will be examined with the proper attention and treated accordingly." On May 23, 1993, an Investigations Branch officer in the Judea District replied to Attorney Tsemel that the Ramallah police had been instructed to give "the requisite priority to the swift and successful conclusion of the continuation of the investigation." Subsequent repeated reminders by the complainant were unavailing. Attorney Tsemel later wrote again to the head of the Civil Administration and the legal advisor in Beit-El: "My client has no doubt that the previous file [the killing of Ghrayyeb] was shelved according to criteria the principal of which being the shooter's contribution to security, which everyone would agree is not a worthy criterion...."<sup>23</sup>

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20. A description of this case also appears in "Gangs with a License," Yizhar Beer, *Ha'aretz*, July 18, 1990.

21. Letter to B'Tselem of February 16, 1993, by Chief Inspector Yoni Tsioni, *ibid*.

22. Ramallah Military Court, file 4937.

23. From a petition to the HCJ requesting an order to place the assailants on trial (Fatmah Darwish and Muhammad Badwan v. Minister of Police and Staff Officer for Judicial Affairs in the Civil Administration) submitted June 19, 1993, by attorney Leah Tsemel.

Only after Attorney Tsemel petitioned the High Court were Ibrahim Shamasnah and his three sons indicted by the Ramallah military court for attempting to cause the death of Fatmah Badwan.<sup>24</sup> To this day no charges have been pressed against Shamasnah regarding the killing of Samir Ghrayeb.

Sadeq Bilah, a resident of the village of al-Fanduq, near Qalqiliyah, is a known veteran armed collaborator. On November 23, 1989, stone-throwers attacked Bilah in the center of Nablus, whereupon he opened fire indiscriminately, killing a passerby, Fariyal Muhammad 'Abd a-Nabi, age 39, from the 'Askar refugee camp, Nablus District.<sup>25</sup>

Additional complaints, for making threats and for aggravated assault, were submitted to the police against Bilah. Several members of the Tayyim family gave testimony to **B'Tselem** regarding Bilah's actions.<sup>26</sup> Na'im Tayyim testified that he was attacked on April 12, 1992, while driving his car, by Bilah and by others who were with him. In this incident, Bilah fired at the car, and objects were also thrown at it. Na'im was struck in the head, lost consciousness, and was admitted to al-Ittihad Hospital in Nablus. Muhammad Tayyim stated in his testimony that on April 27, 1992, he was shot in the shoulder by Bilah. Ahmad Tayyim stated that he was attacked twice by Bilah and his men: on April 10, 1992, an ax was thrown at him; and on October 8, 1992, while he was in a garage, Bilah tried to strangle him and threatened the garage owner with his pistol.

In all these cases, the injured parties tried to submit complaints to the police. On April 26, 1992, Na'im and Ahmad Tayyim went to the Qalqiliyah police station to complain against Bilah (following the two incidents that month). They were arrested by the police in the wake of a complaint filed by Bilah, claiming that the two had tried to run him over. According to their testimony, they were told while in detention, that holding a *sulha* with Bilah was a condition for their release. They were released after 17 days, when a military judge ruled that the matter was not within his jurisdiction. When Muhammad Tayyim went to the Qalqiliyah police to complain about the attack on him, he met Bilah there, who threatened to kill him if he filed a complaint.

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24. Letter from Aryeh Romanov, Senior Lieutenant A., to the State Attorney and to Leah Tsemel, September 22, 1993.

25. An eyewitness, Samirah Khalil, gave testimony to **B'Tselem** on September 18, 1992.

26. Three sons of the Tayyim family gave testimony to **B'Tselem**: Ahmad Tayyim (on August 26 and October 21, 1992), and Muhammad and Na'im Tayyim, on August 26, 1992.



According to Muhammad Tayyim's testimony to **B'Tselem** on August 6, 1992, Bilah asked him,

"What, do you want to go in?" I said "Yes, I want to submit a complaint against you." He replied: "If you do that, I will kill you." I returned home, afraid that he would harm me – he was capable of it. Two weeks later, I went to the Civil Administration and filed a complaint. I gave them the three bullets [that they had fired at me]. They did not open a file and tried to persuade me to do a *sulha*. The commander there, Yihya, asked me: "What proof do you have?" And then I gave him the bullets and told him the story.

According to Muhammad Tayyim, the Civil Administration also proposed that he conduct a *sulha*, and his complaint was rejected.

**B'Tselem** apprised the Civil Administration and the Israel Police of the testimonies it had taken in the cases of violence imputed to Bilah. In its communication with the police, **B'Tselem** asked, among other queries, whether the violent incidents described in the testimonies had been investigated, and with what results. **B'Tselem** also asked what had been the grounds for the arrest of the Tayyim brothers.

In reply, the police stated that in the matter of the killing of Fariyal 'Abd a-Nabi, a file had been opened by the Nablus police, and transferred on December 30, 1990, to the legal advisor of the Judea and Samaria Region at his request. The police also stated that a file had been opened by the Tulkarm police in the wake of Bilah's complaint, "but the versions of both sides were investigated." As for the attack on Muhammad, the police advised **B'Tselem** that "There is no such incident."<sup>27</sup>

On December 24, 1988, four members of Mas'ad Jarbiyyeh's family were shot and wounded by F.S. and his son, resident of a village in the Jenin District. An affidavit submitted on August 29, 1989 by one of the wounded, Farid Ibrahim Mas'ad Jarbiyyeh, to attorney Andre Rosenthal from Hotline: Center for the Defense of the Individual, stated:

On December 24, 1988, F.S., who is related to us by marriage and is a known collaborator, arrived at our home, together with his two sons and two brothers. I approached them and asked why they had come. F. replied: "Not a word," took out his pistol, and fired at the floor, toward my legs. The bullet did not

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27. Letter from **B'Tselem** to the head of the Civil Administration, Brig. Gen. Gad Zohar, on September 3, 1992; **B'Tselem** letter to Israel Police spokesman Commander Adi Gonen, September 3, 1992, and response by Chief Inspector Yoni Tsioni to **B'Tselem**, January 10, 1993.

hit me. His son, M., suddenly jumped off the fence into the courtyard, carrying a switchblade, and grabbed me by the arm, his face up against my face. He stuck the knife into my left arm, near the shoulder, and on the left side of my body, beneath the armpit. My two sons, Khaled and Bashir, began moving toward him, and F.S. shot at them with his pistol. Bashir was hit in the pelvis, on the right side, and Khaled was shot in his left hip. F.'s son, Kh., then came over to me and shot me with a hunting rifle in my left thigh, from less than a meter. My wife moved toward us and began cursing F. He shot her in the leg with his pistol. The four of us were wounded, and F.S. and his relatives left. During this whole time, a military vehicle was parked less than 100 meters away, but its occupants did not intervene.

The Mas'ad Jarbiyyeh family described the incident to MK 'Abd al-Wahab Darawsheh, who on January 13, 1989, submitted a parliamentary interpellation to then-Defense Minister Yitzhak Rabin, asking whether the matter had been investigated and, if so, with what results. MK Darawsheh also asked whether the possibility of confiscating the assailants' weapons had been considered. In his reply of April 12, 1989, the defense minister stated that the incident was being investigated by the police and that in light of the results of the investigation, the authorized bodies would decide whether legal measures were warranted. It was also stated that F.S. carried a weapon for self-defense, because he had been attacked in the past and his property had suffered serious damage, so that "there is no substantive justification for confiscating his weapon."

On November 7, 1989, Attorney Aliza Harman, from *Hotline: Center for the Defense of the Individual*, asked the commander of the Jenin police whether any measures had been taken in the wake of the complaints against the suspect. The head of the station's investigations section replied on December 18 that only one complaint had been filed against F.S., following which an investigation file had been opened (P.A. 1891/88), which had been transferred to the legal advisor of the Samaria District. Hotline queried the office of the Judea and Samaria legal advisor several times, in writing and orally, and offered to submit documents relating to the case, including medical documentation, but no reply was received regarding the state of the investigation.<sup>28</sup>

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28. The queries by *Hotline: Center for the Defense of the Individual* were sent to the legal advisor of Judea and Samaria on July 31, 1990 and May 26, 1992, and on other occasions, and a telephone inquiry was made on September 16, 1992. According to one reply, the file could not be located, while no substantive reply was received to other queries.

### a. Follow-up on Legal Handling of Death Cases

On January 24, 1993, **B'Tselem** sent to the Israel Police the names of fourteen Palestinians who, according to the organization's testimony, were killed during the Intifada by armed collaborators.<sup>29</sup> Following is an itemized list of the cases, including the responses of the police and the legal advisors' office in Beit-El.<sup>30</sup>

Name	Date of death	Place of death	Suspect	Status
Ziad al-Jawabrah	20.8.89	Bet Omar/ Hebron	M.H.	Investigation file opened. Accused sentenced on June 18, 1991 to ten years imprisonment.
Mahmud Bani Odeh	1.10.89	Tamun/Jenin	J.M.	Police investigation file opened on December 30, 1990. File transferred to a local district court for preparation of the indictment.
Sa'id Khalifawi	9.10.89	al-Fawar/ Hebron	I.A.	Investigation concluded and file closed by the legal advisor at Beit-El due to insufficient evidence.
Fariyal 'Abd a-Nabi	23.11.89	Nablus	Sadeq Bilah	Police investigation file opened in 1989, and transferred on December 30, 1990, to the legal advisor by the military prosecution.

29. On December 29, 1993, **B'Tselem** sent the police a list of six additional Palestinians whose suspected killers are collaborators. On January 25, 1994, **B'Tselem** sent a list of yet another six such names.

30. Received in written replies, dated February 16, March 23, and September 12, 1993.

Name	Date of death	Place of death	Suspect	Status
'Amar 'Amru	11.4.90	Dura/Hebron	I.'A.	Police investigation file opened in 1990, transferred to the military prosecution, and pending.
Muhammad 'Alan	11.5.90	Yatta/Hebron	M.'A., I.Kh.	Investigation file opened in 1990. The accused was convicted on January 21, 1992, and sentenced to fifteen years in prison.
'Imad Dayyib	31.5.90	Dir al-Basha/Jenin	—	Investigation file opened in 1990 on suspicion of manslaughter. File closed on December 31, 1990, by the legal advisor due to insufficient evidence.
Samir Ghrayyeb	9.7.90	Qatanah/Ramallah	Ibrahim Shamasnah	Investigation file transferred to the military prosecution on September 17, 1990.
Muhammad Sharim	18.11.90	Jab'a/Jenin	M.B.	Investigation file opened in 1990 by the Jenin police. Case pending in the military prosecutor's office.
Rabi'a Hamarsheh	30.12.90	Y'abad/Jenin	Several collaborators	Investigation file opened in 1990, but closed by the legal advisor on December 4, 1991, due to lack of public interest.
'Omar Diyyah	20.3.91	al-Jib/Ramallah	S.D.	Investigation file opened, case in the hands of the military prosecution since April 4, 1991.

Name	Date of death	Place of death	Suspect	Status
'Abd a-Salam Rab'a	30.7.91	Funduqumiyah/ Nablus	-	Investigation file opened. but closed by the local prosecutor on November 5, 1991.
Muhammad Sukkar	18.11.91	'Azzun/ Qalqiliyah	Y.S.	Indictment submitted for illegal use of firearms and harming the security of the region. Accused released on bail until his trial.
Jamal Hasayyen	20.2.92	Qalqiliyah	J.K.	No investigation file opened. <sup>31</sup>

Of fourteen cases, in **one** no file was opened at all, and **four** were closed without any legal measures being taken: **one** due to lack of public concern, **two** due to insufficient evidence, and **one** due to reasons not specified.

In **two** cases, the process concluded with trials and convictions; one defendant was sentenced to ten years in prison, the other to fifteen.

**One** person on the list was charged with illegal use of firearms and with harming the security of the region. He has been released on bail pending completion of his trial.

**Six** cases, which occurred from 1989 to 1991, are still in various stages of the judicial process.

In addition to the fact that indictments were submitted in only three cases, it is also noteworthy that some of the pending cases have been in various stages of treatment for lengthy periods.

31. Letter by Chief Inspector Yoni Tsioni to B'Tselem. November 1, 1993, in response to a query by B'Tselem.

## Summary

In many cases, armed collaborators have used their weapons against Palestinians who did not endanger them. Licensed, armed collaborators are permitted, like any person licensed to bear arms, to use their arms only in order to protect themselves from immediate danger, and only in a manner permitted by law.

Security sources have told **B'Tselem** that persons with a criminal record are not supplied with firearms.<sup>32</sup> Yet there are many cases of misuse of firearms by collaborators, and the authorities' handling of these cases is inadequate.

Israel, as the body responsible for the security and well-being of all residents of the territories, has a duty to enforce the law in the event of a criminal act, regardless of the identity of the transgressor or of the victim. The authorities also are obliged to thoroughly and impartially investigate collaborators suspected of committing illegal acts against Palestinians, and bring those responsible to trial.

The material in **B'Tselem's** possession indicates that there is no consistent policy of law-enforcement *vis-a-vis* collaborators who have committed criminal acts. In some of the cases, the police have not allowed the victims to submit a complaint. In other instances, the police opened an investigation, but did not handle it properly. Some of the cases which reached the State Attorney's Office have long remained stagnant. All this raises the fear that the authorities disregard the importance of properly processing these cases, and in some of the instances, even turn a blind eye altogether to criminal acts attributed to collaborators.

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32. Brig. Gen. Aryeh Ramot, in a conversation with **B'Tselem** on August 8, 1993; Brig. Gen. (Res.) Hayil Salah, in a conversation with **B'Tselem** on June 19, 1993.

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## **PART B**

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### **Types of "Collaborators" According to the Definition of the Palestinian Organizations**





# 1. The Intelligence Agent (*'amil al-mukhabarat*)

Palestinian intelligence agents are covert or open collaborators recruited by the GSS, IDF, Civil Administration, and police.<sup>1</sup> According to various estimates, thousands of intelligence agents operate in the territories, most of them undercover.<sup>2</sup> These agents operate in three main areas: recruitment of new Palestinian agents; infiltration into the ranks of different organizations and institutions, newspaper agencies, political groups etc.; and operational needs, such as the capture of "wanted" suspects, the location of cells and weapons, the uncovering of underground activists and so on.

The collaborator 'A.H. told **B'Tselem** in his testimony of August 4, 1993:

Every collaborator is given a job. Some are undercover agents, "investigators," who are planted in institutions such as universities, hospitals, trade unions, political organizations and so on. But there are also collaborators who are open and well-known, among them recruitment agents, whose task is to recruit new collaborators, and operations agents, who are sent to undertake missions in other districts where they are not recognized... I was an operations agent and a recruiter of collaborators, and took part in many operations to capture or kill members of organizations and cells.<sup>3</sup>

The primary reason that Israel uses collaborators is to gather intelligence information. According to the *Palestinian Human Rights Information Center (PHRIC)*, the vast majority of arrests of activists and wanted suspects during the first half of the Intifada was based on data gathered by Palestinian collaborators.<sup>4</sup> The extent of use of Palestinian intelligence agents can be gauged from the almost automatic imposition of secrecy by the courts on the evidence brought in trying

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1. The tax collectors and insurance companies also maintain intelligence agents in the territories, but they are on a smaller scale and do not concern themselves with security issues.

2. According to *The New York Times*, September 24, 1989, roughly eighteen intelligence agents work in each village in the territories. The collaborator 'A.H. made a similar claim in his testimony to **B'Tselem** on August 4, 1993.

3. On the intelligence efforts of the GSS, see also: David Ronen, *Year of the GSS*. Ministry of Defense Publishers, 1989, p. 183.

4. Introduction to *PHRIC's* 1989 annual report.

Palestinians accused of security offenses. The security forces base their request for secrecy on the argument that revealing the material might endanger the information sources.

The Palestinian organizations regard the activities of the intelligence agents very seriously and make it their priority to punish them, especially those whose actions led to the deaths of wanted suspects. The following is a translation of extensive excerpts from a classified Hamas document on the subject of collaborators, published during the course of the Intifada:<sup>5</sup>

It is well known that every nation engages in tireless efforts to recruit collaborators inside that country and elsewhere, and provides its intelligence agency with the maximum means necessary. The state of our enemies the Jews is no exception, and is even considered a leader in this field. Since the defeat of 1967, and even beforehand, it has recruited a very large number of collaborators and intelligence people and has allocated them a central role in the elimination of any organization working against it. The main role intended for them is the collection of security information, but this is not enough. The state also gives them the task of gathering political, economic and social information that apparently seems of no importance. In so doing, it achieves several objectives:

1. In this way, the collaborators mistakenly think that they are not causing any harm to their people.
2. This is also an excellent base which can later be used for collecting more important data, and it establishes the links between the parties.
3. In this way, they also discover the weak points of the society and use this information to determine the right policy.

The collaborators have an organization with clear foundations and rules, just like any other organization. In each region there is a standing central executive whose members are chosen by the enemy's intelligence according to strict conditions of entry, including special courses in social and security matters, and so on. In the main cities, the teachers are usually leading experts. They do not confine themselves to teaching theoretical material, but also undertake practical training. In these lessons, recorded videos are watched that teach practical methods of carrying out and avoiding surveillance, as well as how to induce someone to talk and how to change one's external appearance rapidly.

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5. The Islamic Resistance Movement, Hamas. Undated. **B'Tselem's** translation.

They also learn how to kidnap people, to interrogate them, and to execute them and to cover up the tracks. They participate in weapons training and learn self-defense and other matters necessary for the collaborators to carry out their assigned tasks. After completing their studies, they are assigned to train new collaborators, give them tasks and receive reports from them. Naturally, all this does not replace the connection between the authorized intelligence officer and the collaborator. This connection is realized in sophisticated ways that change from time to time. At the end of each meeting between the two, a new time and place are set, completely different from the previous time and place. This connection may be either direct or through agreed signs or through wireless contact. This is the reason why we see fit to detail the different methods:

1. The sign method: [...] Sometimes the sign is no more than a body movement on the part of the collaborator who passes by the intelligence officer, and a sign to an officer driving past in his car, for example, can serve as a rapid response. This method is also widely used in prisons. For example, a collaborator may scratch his nose or tilt his head or shut his eyes during the morning or evening roll call. In this way, the man responsible for the roll call understands that the collaborator has information intended for the security officer, and, indeed, he is later ostensibly summoned for interrogation.
2. The direct meeting method: This method is widely used in transmitting more general information, or in matters that require discussion. Various pretexts are used to explain these meetings. They never take place in a set location so as to cover the tracks and maintain the meeting in maximum secrecy. The meeting may take place in the intelligence agent's office, in open places or buildings, and in Jewish settlements and various cities. When the meeting takes place in the intelligence agent's office, it is disguised by sending an official summons, so that the collaborator is ostensibly being treated like any other person. In this way, the fact of the meeting becomes known to all those around, and if anyone asks the collaborator why the meeting took place, he explains that he needed to receive severance pay from his job or some similar reason. Sometimes the camouflage uses the following method: The army and intelligence forces raid a collaborator's home, carry out a search, confiscate his identity card, and beat and humiliate him until he almost

becomes a national hero in the eyes of those around him. Later, he is summoned to receive his identity card, and in this way an official meeting is set between the collaborator and his operators. Recently, excuses such as the need to submit requests for travel or work permits, family reunification, etc., have been used, requests that by their nature require the person to turn to the intelligence authorities.

As can be seen, collaborators are an unfailing source of information for the intelligence services. For this reason, the services hide the collaborators and provide them with all the conditions they require. They constantly seek to recruit new collaborators and to furnish them with the required skills, and if one of the collaborators is executed, they impose heavy punishments on those responsible, as if they had killed a Jew. All these steps are designed to calm the other collaborators and to protect them. At the same time, the intelligence personnel attempt to instill terror in anyone who even considers punishing a particular collaborator.

In most cases, intelligence agents who have been exposed receive means of self-defense, from panic buttons and communications equipment to weapons.<sup>6</sup> Part E of this report deals with the relationship of the authorities with revealed collaborators.

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6. Brig. Gen. Aryeh Ramot, chairman of the committee for the rehabilitation of collaborators, Office of the Coordinator of Activities in the Territories, in a conversation with B'Tselem on August 8, 1993.

## 2. Collaborators in Prisons and Detention Facilities (*al-'asfor*)

Palestinian agents are employed in prison facilities, where their main task is to assist the prison interrogators in the attempt to obtain information and confessions from the prisoners and detainees.<sup>7</sup> Some of the collaborators were recruited during their detention or interrogation or while serving sentences (sometimes for criminal offenses).<sup>8</sup> Others worked for the security bodies even before they were planted in the prisons. The Palestinian organizations claim that collaborators have sometimes been planted in the prisons in order to create the impression among the Palestinians that the agents are Intifada activists. Some of these are undercover agents in cells and are arrested along with other cell activists in order to avoid creating suspicion.

The Palestinians call the collaborators in the prisons "birds" (*asafir*.) The widespread operation of these agents appears to have begun in 1979, after Prime Minister Menachem Begin ordered the cessation of physical torture of Palestinians under interrogation.<sup>9</sup> Palestinian detainees in interrogation are sent to the "birds" cells in cases when the interrogators prove unsuccessful in extracting confessions, or when the confessions are only partial. According to testimony in **B'Tselem's** records, the detainees are usually brought to the cells in a state of exhaustion and weakness following their interrogation. The residents of the cell, who are provided with prior information concerning the organizational affiliation of the detainee and other details, greet the new arrival warmly at first, make sure that he has a place to sit and to sleep, prepare food and warm drinks and give him clean clothes, all in order to make him feel at ease and begin to trust his cellmates after days of difficult interrogation.

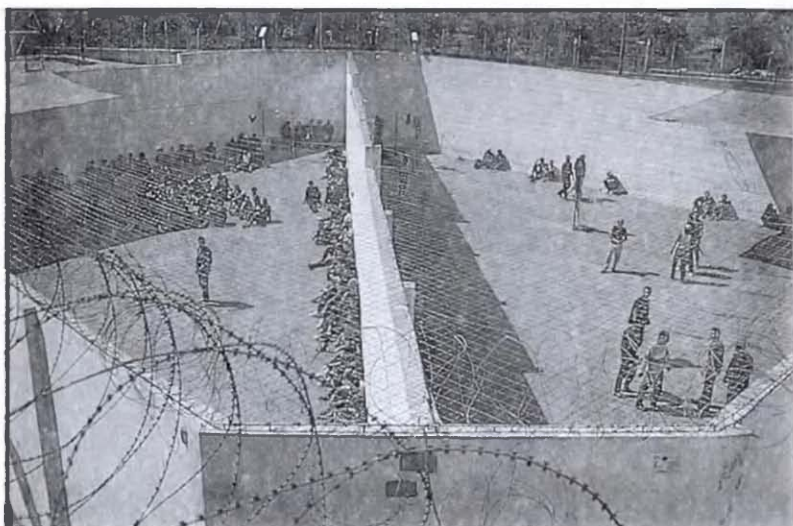
The testimony shows that the "birds" often present themselves to the detainee as "activists in the struggle," and as devout Muslims (in cases where the person under interrogation is suspected of belonging to an

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7. Confirmation that collaborators are recruited in detention centers can be found in Appendix D, letter of Rachel Sucar, Deputy State Attorney for Special Tasks in the Ministry of Justice, on December 21, 1993.

8. From the testimony given to **B'Tselem** by 'A.T. on August 21, 1993. 'A.T., who was sentenced to life in prison in the late 1960s, was recruited as a collaborator while serving his sentence, and served as an undercover agent until his release after 14 years in prison.

9. See also Yosef Cohen, "Signed Up for Life," *Kol Ha'ir*, July 27, 1990.



*Nablu Central Prison (Photograph by Nitsan Shorer)*

Islamic organization), who have been given heavy sentences for attacks on Israelis. They also tell the detainee of their close contacts with well-known prisoners or with the leadership outside the prison, and they demonstrate an intimate knowledge of various operations.

The atmosphere of trust that arises between the detainee and his cellmates sometimes encourages him to tell about his own exploits. Sometimes one of the collaborators functions as the leader ("chief bird,") talking to the detainee in private in order to establish secrecy and strengthen the detainee's trust in him. If other agents are present in the cell at the time, they may move away at this point; one might sit by the door, while another paces across the cell, ostensibly watching the guards in case they decide to carry out a spot search.

The agent presents himself as the prison leader of the organization to which the detainee belongs and promises him that he can make contact with the organizational leadership outside the prison and smuggle out essential information, such as the location of weapons, ammunition or printed material for distribution that the detainee wants to deliver. In order to do this, the detainee will be asked to provide details about where these can be found and information about what he did that led to his arrest. The detainee may also be asked about other members of his cell, ostensibly so that the "leader" can assist them. Sometimes the agent asks the detainee to write down these details, so that they can be



smuggled out, as it were, to the prison leadership. This "report" is then transferred to the prison administration and is presented to the prisoner at another interrogation.

If the attempts at persuasion fail, the "birds" resort to intimidation and threats to accuse the detainee of being a collaborator, and also to violence. The threat of this accusation can have an immediate effect on the detainee. In order to refute the charges, he may confess to the actions attributed to him, whether he actually performed them or not.<sup>10</sup>

'Abd a-Nasser 'Ali 'Isa 'Ubeid, a 27 year-old resident of 'Issawiya, told **B'Tselem** in his testimony of September 17, 1993, that he had been interrogated at the beginning of the month in the detention center in the Russian Compound in Jerusalem, on suspicion of being a Hamas activist.<sup>11</sup> 'Ubeid stated that during his interrogation, the interrogator "Captain Benny" stuck a white bandage on his chest on which was written the Arabic word "'amil" (collaborator), photographed him, and threatened to distribute the photographs in the detention center and in 'Issawiya. Afterward, 'Ubeid was placed in another cell which, he claims, was occupied by collaborators.

There were five detainees there who presented themselves as activists from Fatah and the Popular Front and one who said he belonged to Hamas. I sat on the bed. Two of them began to curse. I knew they were collaborators because I had heard from people who were arrested in the past that there are collaborators in the detention facility.

Afterward I was taken to another room, also of collaborators, where there were about ten people. I went into the shower. One of the detainees gave me slippers and pajamas, they made me coffee, gave me cigarettes, and told me that we were all Hamas and that because I was devout they had asked for me to be in their cell. One of them, who introduced himself as Abu M., came up to me and said: "Say nothing. Soon the man in charge of the cell, Abu 'I., will arrive, and he will transmit your name to the responsible person in the prison [i.e., responsible on behalf of the Palestinian organizations]."

When Abu 'I. arrived I sat with him. He was about 35. He asked me why I had been arrested, what I was accused of, and what I

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10. For Salim's statement on the use of similar methods during his detention in the Russian Compound, see **B'Tselem, The Interrogation of Palestinians during the Intifada - Mistreatment, 'Moderate Physical Pressure,' or Torture?** March 1991, p. 51.

11. See **B'Tselem, Case Study #3, The 'New Procedure' in GSS Interrogation: The Case of 'Abd a-Nasser 'Ubeid**, November 1993.

had confessed. I told him that someone had told things about me and that I had denied them. Abu 'I. wrote it all down. Afterward he asked me what I had concealed from the interrogator and I said I had nothing to hide.

Abu 'I. left me and the rest of the detainees told me that I should talk to him and give him information so that he could help me. Then the police took me to court, where my detention was extended for ten days... .

From there they took me back to the cell of the collaborators and when I entered the room Abu 'I. started slapping and kicking me with his hands and feet. Abu 'I. said: "You think we are all collaborators and you are the only patriot? I will go with you through the whole prison so that you will see that I am really a patriot." Then Abu 'I. brought me a book called 'I Was a Collaborator' by Mazen Fahmawi. He told me to read the name of the book out loud. I read out: "I Was a Collaborator." Abu 'I. said: You see? You have admitted that you are a collaborator." Then Abu 'I. said to me: "Now I will show you something which if the youngsters see it they will kill you." Abu 'I. covered the bed with blankets and then he showed me the picture Benny had taken of me.

He said: Now you have to prove to us that you are not a collaborator. He asked me what family I came from. I told him I was from the 'Ubeid family. He said that the name of the *mukhtar* of the village is 'Ubeid and asked me how I was related to him. I told him that the mukhtar was my uncle. He said: "Then you are a collaborator, because all *mukhtars* are collaborators."

Four youngsters took me into the bathroom, took off my shirt, brought plastic bags and acted like they wanted to burn my back with the plastic. They burned the plastic in the bathroom, kicked me in the stomach, and told me they were the "strike forces."

When they brought me back to the room Abu 'I. gave me papers written in Arabic. I told them that I couldn't read. Abu 'I. grabbed my fingers and made me sign with my fingerprint.

Afterward they took me to the bed, which was still covered with blankets from the time that Abu 'I. covered it. Three of them came with me to the bed. Two grabbed my hands and legs and the third lit a cigarette and began burning my arms. All the time they said to me: "You are a collaborator. Prove to us that you are not." Abu 'I. started beating me again. Then he grabbed me and started kissing me and said to me: "You are like my wife. My wife is not here and you are taking her place." He ordered the youngsters to stop everything but not to talk to me and not to give me cigarettes.



I spent all of Tuesday with them and the next day I was taken for interrogation. A policeman came and said I had a visitor. It turned out that there was none. The policeman took me for interrogation. Benny and other interrogators said to me: "Did you have a good time there? Would you like to go back to them?" Benny showed me the papers that Abu 'I. had made me sign. I read the papers and saw that they said I confessed to belonging to Hamas and that I had burned the cafe. I said I had not read the papers before I signed them and that I denied everything that was written there.

They sat me down on a small children's chair in the room. The whole night I sat on the chair with a sack on my head. The next day they left me there in the same way all day... .

The judge extended my detention for seven days. I showed her the cigarette burns and she asked for an investigation, but the police did not investigate – at least not me. During the last seven days I was not interrogated at all and on September 15, the police released me on third party bail of NIS 5,000. This was the first time I was ever arrested in my whole life.



*Burn marks on 'Abd a-Nasser 'Ubeid's arms. Photographed on September 17, 1993.*

Soon after the beginning of the Intifada, Mustafa a-Deqaq was accused of filming sensitive security sites for hostile elements and was put on trial at the Lod Military Court. During his trial, a-Deqaq claimed that he was detained in a cell together with thirteen collaborators, one of whom introduced himself as the head of the detainees' security committee, and asked a-Deqaq to tell him about his organizational history. After a-Deqaq denied belonging to any organization, the other detainees accused him of being a collaborator. Several even threatened him with razor blades. One of them presented himself as a-Deqaq's defender and persuaded him to confess. The confession which a-Deqaq wrote down included, as the court itself agreed, a mixture of genuine and false statements. A-Deqaq was promised that the paper would be given to the leadership of the detainees in the detention center and would then be returned. The next day, he was called back to interrogation and discovered that the GSS interrogator was holding the paper he had signed. He stated that after threats and intimidation he signed the confession, which included the details written in the note that he had given to the collaborators in his cell.<sup>12</sup>

Ibrahim Fayiq Habash, a student at Bir Zeit University, was detained in the Russian Compound in Jerusalem in October 1989. In an affidavit given to Attorney Leah Tsemel, Habash stated that after he had been in detention for six weeks, his interrogator informed him that the interrogation was completed, and he was moved from the GSS wing to a regular detention cell. In this cell were six other Palestinians who demanded that Habash confess to the activities attributed to him. When he refused, they beat him with a squeegee. Later they stripped him and continued to beat him with a squeegee and plastic sandals, and extinguished cigarettes on his body. According to the affidavit, these attacks continued during the evening and throughout the night. Habash also stated that it was his impression that the Palestinians who maltreated him and demanded that he confess had been briefed beforehand about the content of his previous interrogation. According to Attorney Tsemel, cigarette burns were clearly visible on his body when she visited him in the detention center.<sup>13</sup>

In June 1990, detainees at Megiddo prison complained to Attorney Tawhid Sh'aban of Bethlehem that on occasion several of them were taken to the new wing of the prison (which usually houses twenty collaborators), where they were abused. One of the complainants

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12. See also Yosef Cohen, "Charges: Collaborators sexually abuse detainees," *Kol Ha'ir*, June 29, 1990.

13. Yosef Cohen, "Collaborators Torture Arab Detainees," *Kol Ha'ir*, October 27, 1989.

stated that one member of the group was also raped. The goal, they claimed, was to break the detainees' spirit and to turn them into collaborators.<sup>14</sup>

The following is a part of the testimony of D.B., a reserve duty military policeman, related to **B'Tselem** on August 8, 1993:

It bothers me that they [the collaborators in the prison] do things that we don't do. As far as I know, the collaborators were criminals [as opposed to "security" detainees]. They were placed in a separate room, in the interrogation wing, with air conditioning, a video and a television. They received food also from home. As a rule, they would empty a small cell, put in the collaborators, bring in the detainee and he would spill whatever he spilled. What riled me is that one of the collaborators, who must have been "burned," would sometimes go over and beat those detainees waiting for interrogation. Once in a while soldiers also beat them. If, for example, a soldier came back from home feeling down, he might tell a detainee to straighten up, accompanied by a kick. But that was rare. I confronted the collaborator about this and the [military] police stood up for him.

The information that **B'Tselem** has accumulated shows that the Palestinian collaborators in the detention facilities use torture and violence in order to extract confessions from prisoners. By using collaborators in this way, Israel is violating international law. According to Article 1 of the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "torture" is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." This convention was ratified by Israel.

Article 29 of the Fourth Geneva Convention stipulates:

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

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14. Yosef Cohen, *Kol Ha'ir*, June 29, 1990.

The Palestinian collaborators can be considered agents of the state for the purpose of this paragraph, according to the interpretation of the Red Cross.<sup>15</sup>

This interpretation also states:

The position is just the same whether the agent has disregarded the Convention's provisions on the orders, or with the approval, of his superiors or has, on the contrary, exceeded his powers, but made use of his official standing to carry out the unlawful act.

In both cases the State bears responsibility internationally in accordance with the general principles of law.

The abuse, the degrading and inhuman behavior, and the torture are serious violations of international law, which unilaterally prohibits the use of these means in any circumstance. The Israel authorities carry the responsibility for the violation of this prohibition on the part of their agents, whether these be police, army, GSS, or collaborators who operate with the knowledge of and on behalf of those authorities.

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15. According to the commentary of the Red Cross, "The term 'agent' must be understood as embracing everyone who is in the service of a Contracting Party, no matter in what way or in what capacity... The nationality of the agents does not affect the issue. That is of particular importance in occupied territories, as it means that the occupying authorities are responsible for acts committed by their locally recruited agents of the nationality of the occupied country." (J. Pictet, ed., **Commentary, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War**, pp. 211-212.)

### 3. The Land Dealer (*al-samsar*)

This category consists of Palestinians who are involved in the transfer of land that was under Arab ownership to Israeli hands. Palestinian organizations consider these people to be collaborators of the worst type.

The opposition among Palestinians to the sale of property to Jews did not begin with the Intifada. Even in the first half of the century, Muslim and Christian leaders in the area proclaimed that the sale of land to Jews is forbidden and that the sellers are heretics and religious rebels.<sup>16</sup>

The Palestinian organizations make no distinction between the transfer of land to individuals, to private Israeli companies or to the Israeli government. The Israeli authorities, on the other hand, define as *sayanim* only those dealers and agents who have helped state institutions (such as the Jewish National Fund) to purchase land in the territories. The authorities define as "threatened" Palestinians who have been involved in transactions for the transfer of land from Arab ownership to private Jewish ownership, and whose lives are therefore endangered. These individuals are entitled to partial protection, even though they are not serving the authorities directly.<sup>17</sup>

The transfer of land to Israeli ownership, or the participation in such activities, in the context of the conflict over property between Jewish settlements and Palestinian villages, is considered by Palestinians to be an act of treason of the utmost severity. In April 1990, the Unified National Command issued a public death warrant (only a few such warrants have been issued) for Mardus Matusian, a land dealer who was involved in the transfer of a building belonging to the Orthodox Patriarchy in the Old City of Jerusalem to Jewish hands. Matusian consequently fled to the United States, and the warrant was not carried out. In the same circular the Command confined the execution of collaborators to cases of self defense, a fact that emphasizes the severity with which the Command saw the actions of the land dealers.<sup>18</sup> In contrast to other types of collaborators, who the Command believes

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16. **Documents of the Palestinian Nationalist Movement 1918-1938.** "Akram Zu'eitar Papers," Beirut, Palestinian Research Institute, 1984, pp. 296ff. and 388-391.

17. According to Brig. Gen. Hayil Saleh, formerly the Minister of Defense's officer responsible for dealing with the *sayanim*, in a conversation with B'Tselem on June 19, 1993.

18. UNC circular no. 55, April 19, 1990.

can "repent," the penalty for land dealers is unequivocal: "The Command emphasizes that the death penalty will be imposed against anyone who shall be proven to have sold, or to have taken part in the sale, of even one handsbreadth of the land of Palestine."<sup>19</sup>

Over the years, hundreds of acts of forgery and fraud have been committed with the objective of securing Israeli control of state land in the territories. These activities became particularly intense after 1979, when the Likud government decided to lift the ban on the acquisition of property in the West Bank and even began to encourage Israeli individuals and bodies to purchase land in the territories.

The transfer of property ownership involves the acquisition of a *qushan* (ownership document) and power of attorney. The fact that large parts of the West Bank are designated according to the Ottoman method, making it difficult to locate borders exactly, makes it easier for Israeli land traders (with the assistance of insider information) to get a copy of the *qushan* and to forge the necessary signatures.<sup>20</sup>

Many of the Palestinians who have participated in the land deals since 1967 lived near the land that Israelis wanted to buy, a fact that made it easier for them to obtain information concerning land plots and the economic situation of their owners. In many cases powerful individuals, such as *mukhtars*, government clerks and their affiliates, have exploited their relationship with the residents and the latter's trust in them, to forge property transaction and power of attorney documents.

In the mid-1980s, the police investigated hundreds of incidents of illegal land sales. Israeli officials who worked in the occupied territories were suspected of involvement in these incidents, among them Civil Administration personnel, IDF and police officers and individuals from the legal and political spheres. The police launched inquiries into suspected corruption in the Israel Lands Authority in these cases.<sup>21</sup>

One of the main frauds involving both Israeli and Palestinian land dealers was the Ramat Kidron scandal. In April 1983, a company called Jumbo Ltd. published advertisements in the press inviting the public to purchase plots of land close to 'Abdiyyah, a village to the east of Bethlehem, as part of a project to build a luxury neighborhood on the site. Jumbo Ltd. bought thousands of acres of land from the dealer Shmuel Einav, who in turn purchased the plots from Jamal al-'Asa, the son of the *mukhtar* of 'Abdiyyah. In order to undertake the transaction,

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19. UNC circular no. 75, October 2, 1991.

20. Yizhar Be'er, "The Surveyors have Returned to the Fields," *Ha'aretz*, January 1, 1991.

21. *Jerusalem Post*, July 11, 1986; *Ha-Olam Ha-Zeh*, April 29, 1987.



al-'Asa used forged powers of attorney which he claimed to have received from the villagers. When the villagers learned that al-'Asa had stolen their lands, they began legal proceedings and prevented the registration of their land under new ownership. To this day, the properties have not been registered under the names of the Israeli buyers, and the neighborhood has not been established.<sup>22</sup>

On January 11, 1986, the East Jerusalem newspaper *a-Sh'ab* reported another type of fraud regarding properties, which involved photocopying the landowner's signature from an authentic document and inserting it in a forgery. The owners, particularly those who were illiterate, signed the documents authorizing the sale of their land, having been told that they were signing a different document, such as confirmation of receipt of wages. Similarly, the same newspaper reported on February 19, 1986, that forgeries of the *mukhtars*' stamps had been used. This charge was leveled against 'Odeh 'Awdallah Darbas, a resident of 'Issiwiya, a village in East Jerusalem, who was discovered to be in possession of two forged seals of the *mukhtar* of the village. Darbas was suspected of using the seals to "legalize" sales and mortgage documents for land in the village.

Another method, available to those in positions of power, is the use of intimidation in order to deceitfully extract signatures relinquishing the lands. Arab papers reported that a former police officer, in association with property dealers, carried out searches in the homes of at least two Palestinians, claiming that they were suspected of hiding weapons. After searching and even summoning the residents to interrogation, he made them sign papers which were presented as affidavits declaring that they were not holding weapons. These papers were effectively sale documents, by which the signers gave up their lands.

During the 1980s, the *mukhtar* of the village of Bidya, Mustafa Abu Bakr (also known as "Abu Zeid"), was accused of fraudulent land purchases from Palestinians in his village and other villages in the district, and of transferring the deeds to the land dealer Ahmad 'Odeh, who then sold them to Jewish dealers. Abu Bakr's name had also been linked to the big "land scandal" of 1984-1985, but the military prosecutor suspended the proceedings against him.<sup>23</sup>

On January 11, 1986, *a-Sh'ab* reported that one of the residents of Bidya, whose wife had died, asked Abu Bakr, in his capacity as

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22. *Kol Ha'ir*, January 17, 1985; October 4, 1985; November 7, 1986; June 15, 1990; July 15, 1990; September 11, 1990.

23. Based on statements taken by B'Tselem in February 1992 from residents of Bidya and from the attorney who dealt with the forgeries. See also Yediot Aharonot, October 16, 1988, and Ma'ariv, August 12, 1988.



*mukhtar*, to deal with the registration of the death and with the burial. Abu Bakr deceitfully made the man sign a large number of forms, including ones which had not been completed, which it later transpired were documents testifying that the man had sold his land and had received the appropriate payment.

On October 6, 1988, Abu Bakr was shot and killed by a number of villagers, who subsequently mutilated his body and set it on fire. Following this incident, security forces demolished five houses in the village and sealed another on suspicion that they belonged to those responsible for the murder.

Ahmad 'Odeh, one of the most prominent collaborators in the territories, was considered among the most active of the Palestinian land dealers.<sup>24</sup> From 1977-1993, the years he was active as a land dealer, 'Odeh transferred tens of thousands of acres of land from Arab to Jewish owners. A Jordanian court sentenced him to death in absentia. 'Odeh was also involved in internal Israeli politics and contributed tens of thousands of dollars to the Likud campaign in 1984. He received a permit to carry a weapon from the authorities (as did his bodyguards), a car with Israeli license plates, and a permit to have a telephone in his car.<sup>25</sup>

A-Sh'ab reported on January 11, 1986 that 'Odeh also would purchase small plots of land at full cost and then announce the purchase of much larger tracts in the low-circulation newspaper *al-Anba*, which appears in Israel. In this way 'Odeh fulfilled the obligation of publishing all land sales, but avoided the risk that local residents would learn of the transaction. It was claimed that on the day of publication, 'Odeh would purchase all the copies of this newspaper in the district where the land was located, in order to prevent local residents from seeing the notice and filing objections.

In June 1987, 'Odeh was convicted by the Nablus military court and sentenced to four and a half years' imprisonment on charges relating to a large number of acts of extortion and fraud which he committed during the first half of the 1980s as part of his efforts to transfer land for the establishment of Jewish settlements in the West Bank. The verdict noted, among other things, that some of the acts of fraud could have been prevented had the authorities been more thorough in supervising 'Odeh. It also noted that 'Odeh's considerable assistance in the State of Israel's land purchases did not justify his actions.<sup>26</sup>

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24. *Ha-Olam Ha-Zeh*, November 3, 1993.

25. *Ma'ariv*, October 31, 1993.

26. *Ha'aretz*, January 25, 1987.

After his release, 'Odeh complained in a newspaper interview that "instead of inscribing him in the 'golden book,' he was thrown to the dogs." He added, "I could have accepted PLO offers of large sums of money to stop selling land to Jews. I did much more than any Jew for the Jewish settlements in the territories... . I support the Jews, sell them land and that's it? There were eighty files containing fraud charges against Arabs. Eighty people. Not one of them was brought to trial... . All this is just to solve the country's political problems. I didn't cheat anyone. I only worked according to requests from the Israel Lands Authority, and before that the Ministry of Justice. From 1980 to 1983, we used to get them whatever they asked, according to the law of Judea and Samaria."<sup>27</sup>

On October 30, 1993, 'Odeh was clubbed to death by two unmasked Palestinians in a shop in Qalqiliyah while buying food for his daughter's wedding, which was to take place the next day. The Democratic Front (DFLP) claimed responsibility for the killing, though Palestinians from the Qalqiliyah area claimed that collaborators from 'Odeh's home village, Hableh, killed 'Odeh because of a land dispute.<sup>28</sup> A few days later, the press reported that the security forces had arrested four men in connection with this incident, all from the 'Amar family in Hableh. The men claimed that the killing was part of a blood feud, after 'Odeh had been implicated in the murder of their relative two years before as the result of a land dispute.<sup>29</sup>

It is important to point out that the subject of land sellers and dealers has not been a major theme in the circulars issued by the Unified National Command or in those issued by Hamas and local bodies. Despite their wide-reaching activities, the number of land dealers is small compared to that of other collaborators. From the mid-1980s, when the Israeli government began to seize land in the territories, declaring it to be state land in order to gain control of it, the activity of land dealers has been limited. The outbreak of the Intifada and the increased number of attacks on collaborators also stopped the activities of the land dealers and intermediaries. The attacks on collaborators, among them property dealers, during the Intifada, were primarily punishments for past actions.

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27. Amirah Segev, "Tied to the Jews from Birth," *Hadashot*, August 25, 1989.

28. *Ha-Olam Ha-Zeh*, November 3, 1993.

29. *Ma'ariv*, November 16, 1993

## 4. The Intermediary (*al-wasit*)

As a result of the authorities' failure to provide efficient and properly-organized services for residents, corruption has become a widespread phenomenon in the territories. This problem has become even more acute with the population's increasing dependence on the authorities. One of the principal manifestations of this phenomenon is the institution of "intermediaries."

Most of the intermediaries are either open collaborators or others with close ties to the government, a position that enables them to arrange provision of services to those who request their help. In return for their assistance, the intermediaries charge fees determined according to the type of assistance provided. The authorities permit the intermediaries to operate and answer their requests, as an informal reward for their actions as collaborators.

This practice gives rise to a serious gap between those who are able to use the services of the intermediaries and those who are dependent on the will of clerks and of the authorities, and who have no choice but to wait lengthy periods to receive the services they are due, if they receive them at all. For example, the security forces refused to grant a permit to travel abroad to Bilal Qa'id, a resident of the village of Sebastiyah in the West Bank. The refusal was attributed to "security considerations."<sup>30</sup> It turned out that Qa'id received the permit he requested with the help of an intermediary, in return for a fee, and on the day he found out that his request had been refused through the regular channels, he was already abroad.

The collaborator 'A.Q. told **B'Tselem** on January 21, 1993:

The relations between the collaborators and the GSS are such that if we ask a favor, they try to accommodate us, depending on the request: requests for family reunification are only rarely granted, whereas entry permits for Israel usually are provided.

The need for the intermediaries grows when collective punishment or other circumstances, such as new restrictions, render the acquisition of services for residents of the territories more difficult.

Toward the end of 1988, in response to the uprising, the IDF commanders in the West Bank and the Gaza Strip issued an order

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30. This was the response to **B'Tselem's** inquiries at the end of March, 1990, to the Office of the Coordinator of Activities in the Territories.

making the provision of any service conditional on presentation of "absence of debt" authorizations from each of the following agencies: the Civil Administration, the police, the GSS, the income tax and VAT authorities, and the appointed town and village councils. Residents were required to wait for days in queues in order to obtain the authorizations, which increased the need for the assistance of the intermediaries and also enabled them to raise their fees.<sup>31</sup>

The fees charged by these intermediaries are set according to the level of demand for the different services among the Palestinian population. The accepted fee for acquiring an exit permit to Jordan in 1993 was between \$150 and \$300; an expedited building permit for a site where construction is permitted cost \$500 - \$1000, and double for a site where construction is prohibited; installation of a telephone line cost \$2500; and the fee for obtaining a permit for family reunification, considered the most expensive service provided by the intermediaries, vascillated between \$2000 to \$10,000, according to the needs and financial state of the client.<sup>32</sup>

In his testimony to B'Tselem on August 4, 1993, the collaborator 'A. H. stated, *inter alia*:

Like other collaborators, I also engaged in *wasta* [mediation]. Each intermediary sets his own fees. As a matter of principle, I did not take more than 40 Dinars (about NIS 150) from people. For the same service, others would take 400-500 dinars (about NIS 1500). The system is simple: many times, residents are unable to receive approval for requests due to technical reasons such as confusion of names or bureaucracy. The collaborator goes to the GSS which undertakes a more serious check, and if there is no security problem, the request is approved. After all, it's in the GSS' interest to strengthen us and enable us to obtain income from mediation fees, since most of us do not earn a salary as collaborators. In some cases, police or Civil Administration personnel took bribes. But that never happened in the GSS. They were disciplined.

Z.'A., the *mukhtar* of a town in the West Bank and a known collaborator, used to help applicants obtain different permits from the Civil Administration in return for a fee. In August, 1993, several Palestinian laborers who worked in the settlement of Ornit near

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31. On this subject, see also B'Tselem, **The System of Taxation in the West Bank and Gaza Strip As an Instrument for the Enforcement of Authority During the Uprising**, the story of Ghassan al-Khatib, February 1990, p. 18.

32. Statement of the collaborator 'A.H. to B'Tselem on August 4, 1993; see also Yossi Torpstein, *Ha'aretz*, December 3, 1993.

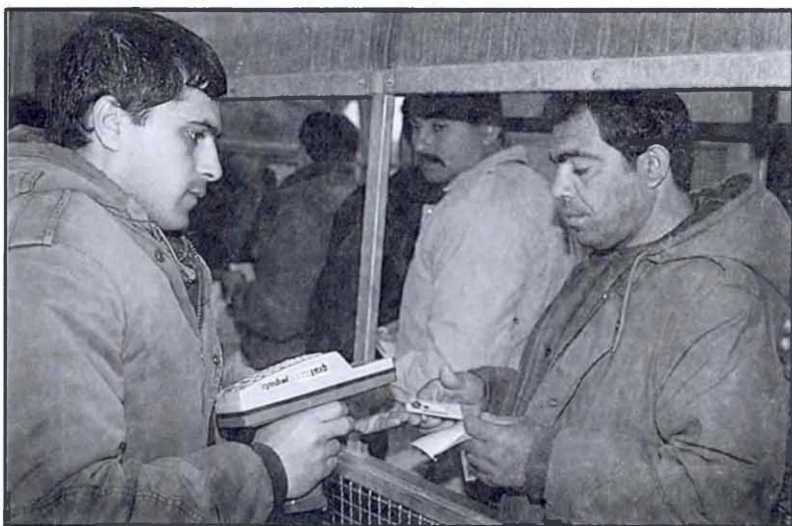
Qalqiliyah had their work permits revoked on the grounds that they owed income tax. One of them, M.S., told **B'Tselem** on August 10, 1993:

When I left [the settlement], the guard told me that the income tax authorities from Qalqiliyah had arrived and confiscated my permit, and that I had to go to the Qalqiliyah tax office. On July 12, 1993, I went there. The tax clerk, Sabah, told me that I was [registered as a] contractor and hadn't paid income tax. I told him that I wasn't a contractor but a day laborer... . He told me that I had to pay income tax of NIS 2500 per month, even though I earned less than that. He said this was all he had to tell me.

The efforts of M.S. to rectify the problem and to retrieve his work permit failed. After a few days, Z.'A. came to M.S.'s home in 'Azun:

The *mukhtar* asked me if I wanted my work permit back. I said that I did. The *mukhtar* said that it would cost me 500 shekels. I told him that this was a lot. The *mukhtar* told me that not all the money was for him and that I shouldn't ask him where it was going. I took 500 shekels from my pocket and paid him. The *mukhtar* called his son and told him to go up to the house and to bring me the permit.

Similar testimony was given to **B'Tselem** on August 8, 1993, by Z.Q. (full name, permit numbers, and employment information on file at



*Palestinians at a service window in the Civil Administration  
(Photograph by Nitsan Shorer)*



**B'Tselem**). another laborer in the settlement of Ornit, whose work permit was confiscated. Z.Q. received his permit by paying a fee of 500 Shekels to Z.'A. He said in his testimony:

Next to the gate of the settlement, I suddenly saw 'A., one of the workers whose permit had been confiscated together with mine, leaving the settlement (at the end of the work day). I asked him how to retrieve the permit. He told me that the *mukhtar* had the permits and that I had to pay him 500 shekels to get mine. On the same day I went to the house of the *mukhtar*. One of the workers from the village of 'Azun also came there. I saw him giving 500 shekels to the *mukhtar*, after which the *mukhtar* gave him the permit. I asked the *mukhtar* about my permit. Those sitting next to him told me: "Pay like your friends have paid and you will receive your permit." I said that I earn about 1000 shekels per month, that I live in a rented flat and that I am the father of two children, and that maybe it would be enough for me to pay 200-300 shekels. The *mukhtar* told me: "You - like your friends." I paid him 500 shekels and he gave me the permit. The *mukhtar* told me that if it so happens that my permit is confiscated again, he is the correct address.

During and even before the Intifada, several incidents of bribery involving Palestinian collaborators who operated as intermediaries as well as official representatives of the authorities, were exposed. One of the focal points of corruption was the East Jerusalem Branch of the Ministry of the Interior, where the incidents of bribery occurred particularly during the summer visits period, when the demand for permits was especially great. In an interview for *Kol Ha'Ir*, former collaborator B., who operated as an intermediary in East Jerusalem during the Intifada, related that there was a period when he earned approximately \$1000 a day by acquiring short-term exit permits to Jordan for young men and entry permits to Israel via Ben Gurion airport instead of via the bridges over the Jordan. He claimed that he used his good relations with the GSS:

I used to call them and ask them to sign permits for me. They made their own inquiries and forwarded the names to the Ministry of the Interior. I would come to the Ministry of the Interior after office hours, and they would sign the forms for me.<sup>33</sup>

Toward the end of 1992, an inquiry was opened into corruption in the Civil Administration in the Gaza Strip involving Administration officials and Palestinian intermediaries. An IDF colonel and senior Civil

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33. Hillel Cohen. *Kol Ha'Ir*, "The Bribery Industry, Inc." July 23, 1993.

Administration officials were investigated. The Civil Administration officials were suspected of having issued various permits and licenses in return for bribes, including hundreds of magnetic cards enabling residents to leave the Gaza Strip to work in Israel. These were issued to residents who had been prevented for security reasons from receiving them. The accusation also included approving requests for family reunification and the purchase of land.

An article in *Yediot Aharonot* on November 26, 1992, estimated that the extent of the bribes in the Civil Administration in Gaza was hundreds of thousands of dollars. Subsequent issues of the paper reported that the bribes were made almost totally through the mediation of Palestinian intermediaries.<sup>34</sup>

In November 1992, members of the Fatah Hawks killed Ibrahim Abu Jabah, a resident of Gaza. Residents reported that Abu Jabah, who was a drug dealer and a collaborator with the Israeli authorities, acted as an intermediary with the Civil Administration. Around the time Jabah was killed, the same cell also killed Ahmad al-Wakil, an employee of the Gaza license bureau, who used to arrange driving licenses in return for a bribe.<sup>35</sup>

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34. Gabi Baron, *Yediot Aharonot*, November 25, 1992; Eitan Rabin, *Ha'aretz*, November 26, 1992; Suleiman a-Shafi, *Hadashot*, November 26, 1992.

35. In an interview with *Ha'aretz* correspondent Yossi Torpstein, December 3, 1992.



## 5. Government Appointees and Associates

In many cases, Palestinians associated with the Israeli administration have been considered collaborators. This category includes several *mukhtars*, members of the defunct village leagues, and various persons, among them former policemen, members and heads of appointed municipal or village councils, and workers in the tax and licensing system of the Civil Administration, who did not obey Unified National Command (UNC) orders to resign.

The Palestinian organizations have regarded with suspicion the appointment of Palestinians to administrative positions and have seen in them an attempt to present the occupation in the guise of a regular civilian situation. People appointed to these positions have been designated collaborators. It should be noted that some of these appointees have engaged in activity on behalf of the authorities, functioning as intelligence agents or assisting them in other ways, such as land dealership. In most cases, the administrative appointees were attacked by cell activists when additional suspicions, such as direct assistance to the authorities, were raised against them, although not all the suspicions raised related to their association with the administration.

Since February, 1988, the UNC began to include in its circulars a demand that administrative appointees and associates resign, threatening in one circular that "the masses of the glorious uprising will be able to bring to trial anyone who opposes the positions of the national consensus."<sup>36</sup>

Some of the circulars issued by the UNC specifically called for the killings of those included in this group. Thus, for example, one circular announced "forfeiting the blood and property of the heads and members of the [appointed] councils who did not resign. We hereby declare that the masses of the Uprising will trample whoever opposes the positions of the national consensus or refuses to answer the call of the Uprising."<sup>37</sup>

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36. UNC circular no. 7, April 1, 1988.

37. UNC circular no. 12, April 2, 1988.

### a. *Mukhtars*

The time-honored position of mukhtar is perceived as essentially apolitical; thus, those who filled these positions were not automatically considered collaborators, and were not ordered to resign by the Palestinian organizations. Indeed, in the circulars of the UNC and the Islamic organizations, one does not find threats or attacks on *mukhtars*, unless their names have been directly linked with providing intelligence to the authorities or acting as intermediaries in land sales.

The *mukhtar* is chosen by the *hamulah* (clan) or appointed by the authorities in order to serve as a liaison between the authorities and the residents. In most villages and neighborhoods in the territories, the *mukhtars* are the only municipal authority, representing the local population in their dealings with the authorities in return for a modest salary from the latter. Their main source of income is the fees charged for the mediation of services they provide for the population. Because of their traditional role as mediators between the population and the authorities, during the Intifada, the authorities used the *mukhtars* as a regular source of information on local developments, as well as for security requirements such as identifying or arresting suspects, summoning residents to interrogation or to meetings with the GSS, or announcing the expropriation of plots of land.<sup>38</sup>

During the Intifada, the Palestinian organizations began to issue circulars condemning and threatening these activities. As a result, some of the *mukhtars* asked to resign, while others tried to refrain from carrying out sensitive tasks. Some of the *mukhtars* became completely identified as collaborators during the Intifada and were equipped with weapons for self-defense.

According to **B'Tselem's** statistics, at least ten *mukhtars* have been killed in the West Bank alone since the beginning of the Intifada by Palestinian organizations. One of them was the *mukhtar* of al-Bireh, Taher Muhammad a-Daniali, who was killed in May, 1991.<sup>39</sup> A-Daniali, who was appointed *mukhtar* in the 1980's, collected fees in return for his services, including mediation of permit acquisition. He also assisted the security forces in their searches of the homes of wanted suspects. Following suspicions against him, slogans began to appear on the walls in his neighborhood condemning his links with the authorities, and his shop was set on fire several times.

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38. Meron Benvenisti, **The West Bank Handbook**, Kaneh Publishers, Jerusalem, 1987 (Hebrew), p. 81.

39. The incident described here is based on conversations by a representative of **B'Tselem** with his brother, Yosef a-Taher, as well as neighbors of Taher Muhammad a-Daniali in August, 1993.

His brother, Yusef a-Taher (known as Abu Fawwaz), an appointed member of the al-Bireh municipality, told **B'Tselem** in his testimony of August 1, 1993, that a-Daniali had tried to resign from his position as *mukhtar* as a consequence of the threats. According to Abu Fawwaz, this request was denied, and the authorities even threatened that a-Daniali and his sons would be arrested. Abu Fawwaz reports that he, too, tried to resign from his slot on the appointed committee of the al-Bireh municipality, only to receive a similar response from the authorities.

On May 22, 1992, a-Daniali was shot near his house. The assailant subsequently fled. A-Daniali was injured and asked his neighbors to help, but they refused. A passing driver also refused to stop after recognizing him. Finally, his son passed by and took him to the hospital, where he died of his wounds.

## **b. Appointed Members of Village and Municipal Councils**

The status of village councils in the territories is similar to that of local councils in Israel, both of which are charged with the administration of education, water, roads, electricity, etc. In addition, they also have the authority to arbitrate in disputes between residents. Prior to 1967, almost 100 village councils had been active in the West Bank, and the Israeli administration gradually reinstated these councils, using them as a means of control.<sup>40</sup>

The municipalities in the territories also served as a means of political control, since the mayors and members of the municipalities were also involved in political matters beyond the local level. Since the municipalities were effectively the only political bodies in the territories whose activities were allowed by the Israeli administration after 1967, they took on the role of representing the public in the territories. The PLO attempted to take control of the leadership in the territories through the municipal councils, while the Israeli administration used exactly the same bodies to attempt to block the influence of PLO elements. When the Civil Administration was established in 1981, it was boycotted by the municipalities, and the authorities responded by dismissing nine mayors. In response, most of the municipalities suspended their activities.<sup>41</sup>

During the Intifada, the Palestinian organizations attempted to bring about the collapse of the Civil Administration, in part by forcing the

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40. Meron Benvenisti, op. cit., p. 86.

41. Ibid, p. 118.

members of appointed municipalities and village councils, who had been appointed by the authorities in the years since 1967 and who were seen by the organizations as part of the Israeli administrative system, to resign.

The circulars of the UNC often referred to members of village councils and municipalities who had been appointed by the Israeli administration and had remained in their positions after the beginning of the Intifada. The PLO leadership attached great importance to its war against this group. From 1988, the UNC's circulars called on these officials to resign, threatening to punish anyone who refused to comply. March 26, 1988 was even declared a day of struggle against the appointed village and municipal committees, and residents were urged to organize demonstrations and processions in order to bring down the committees.<sup>42</sup> A month later, the UNC was already explicitly calling for those who refused to resign to be killed.<sup>43</sup>

At the end of April, 1988, the UNC specified the names of the members of the municipal councils, calling "for the most severe blows to be struck against those employed by the police and in the appointed village and urban councils, who have contradicted the will of the people, foremost: a-Zur, a-Tawil, Khalil Mussa and Jamal Sabri Khalaf."<sup>44</sup> On June 26, 1988 a "day of the government of the people, on which blows will be struck against those who deviate from the will of our people, and the appointed municipal committees will be attacked," was declared.<sup>45</sup>

UNC circulars from 1988 called for members of the appointed council to be killed, and those from 1989 mentioned other forms of action, such as "confiscation of property," "surveillance," and "social isolation."<sup>46</sup> The UNC emphasized that "pursuit of the agents is carried out not because they are political opponents with particular opinions, but because they are a tool of oppression of the occupation."<sup>47</sup> After the UNC circulars called on the members of the appointed municipalities and village councils to resign, the East Jerusalem newspapers published the names of council members who did so. Dozens of council members who refused to resign, or who were suspected of collaboration, were attacked by Intifada activists. One such council member was Hassan a-Tawil, mayor of al-Bireh, who was appointed in 1967 by the Israeli

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42. UNC circular no. 11, March 19, 1988.

43. UNC circular no. 12, April 2, 1988.

44. UNC circular no. 15, May 7, 1988.

45. UNC circular no. 19, June 8, 1988.

46. UNC circular no. 37, March 29, 1989.

47. UNC circular no. 40, May 22, 1989.

authorities (after his predecessor was ousted by them). A-Tawil was attacked in June, 1988, by a masked man who stabbed him with a knife.

### c. The Village Leagues

The first village league operated in the Mt. Hebron region, beginning in 1978, under the direction of Mustafa Dudin. In the 1980s, other leagues were established in the West Bank on this model, on the initiative of Professor Menachem Milson, then head of the Civil Administration.

Prof. Milson's point of view was based on the claim that strengthening the village forces, which had been marginalized by the urban Palestinian leadership, would serve as a counterweight to the urban population and mayors who were seen as PLO supporters.<sup>48</sup> This position was in contrast to that of Moshe Dayan, who had argued that the involvement of the authorities in the everyday lives of the residents should be lowered in order not to arouse opposition.

In order to secure the collaboration of the village population, which represents the majority of the population of the West Bank, the Civil Administration devolved considerable powers to the leaders of the village leagues at the beginning of the 1980s. Thus, for example, they were allowed to recruit armed militias, and were provided with significant budgets.<sup>49</sup> The Civil Administration handed over many of its powers to the village leagues, such as the "right of recommendation" in cases of family reunification, release from detention and other matters.

Of the village leagues in the different areas, only that in the Mt. Hebron region retained a measure of independence from the Israeli administration.<sup>50</sup> The leagues in other areas had trouble gaining support of the village population, in part because they included individuals considered to be Israeli collaborators, among them violent criminals who did not fulfill their declared role of assisting in improving life in the villages.<sup>51</sup>

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48. Meron Benvenisti, *op. cit.*

49. *Ibid.*, p. 11. In 1982-1983, the Civil Administration made available to the village leagues financial support totalling \$12 million.

50. Moshe Ma'oz, **The Palestinian Leadership in the West Bank**, Reshafim Publishers, Tel Aviv, 1985 (Hebrew), pp. 208-212.

51. *Ibid.*

In March 1982, the Jordanian government issued a military order against the village leagues, declaring them Israeli collaborators, and calling membership in the leagues an act of treason. The order led to divisions, the resignation of villagers from their leagues, and the undermining of the institutions from within. In addition, during that year and the year which followed, some of the league leaders were arrested, tried, and convicted of murder and corruption. Consequently, the Israeli administration changed its approach to the leagues.

From 1984 these activities waned, but the leaders continued to be identified as collaborators by the residents. At the start of the Intifada, remnants of the village leagues were still active, and Israeli security elements even provided protection for some of the leaders whose lives were in jeopardy. In November 1989, the leaders of the Mt. Hebron village league, Mustafa Dudin and Jamil al-Amala, went to Tunis and met with Yasser 'Arafat. Following this visit, the authorities decided to withdraw protection from the two leaders, and cancelled a range of benefits which they had previously enjoyed as collaborators.<sup>52</sup>

#### **d. Policemen**

A meeting was held in July 1967, chaired by the then Minister of Defense, Moshe Dayan, and attended by the Inspector-General of the Israel Police, to discuss the relations between the military administration, the army and the police. The meeting was the first forum to discuss the question of whether the Israel Police should recruit Palestinian policemen, and what weapons and powers should be given to them. It was decided at the meeting that policemen would be appointed from among the Palestinian residents of the territories, and that they should be subject to the police commanders, with the regional military governor being given power of veto.<sup>53</sup> These general guidelines created a strict framework for the Palestinian policemen, since, although most residents obeyed their instructions for practical reasons, they were nevertheless perceived as an additional arm of the military administration, and not merely as a means of maintaining law and order.

Since 1967, the role of the local policemen expanded to include security operations such as guiding army and intelligence patrols to

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52. *Ma'ariv*, October 24, 1989.

53. Shlomo Gazit, **The Carrot and the Stick: The Israeli Administration in Judea and Samaria**. Zmora-Bitan, 1985, pp. 123-124.



residents' houses or transmitting messages to residents concerning the need to obey the security forces' instructions.

During the 1970s and 1980s, it was reported that a number of Palestinian policemen had been involved in forging land ownership documents. According to various articles, the policemen had exploited their positions in order to trick residents into giving them documents waiving the rights to their land. An example of this was reported in *a-Sh'ab* involving a police officer from Qalqiliyah who used to summon villagers to his office and accuse them of committing various offenses. He would then demand that they sign documents which were actually sales documents for their land, while leading the villagers to believe that the documents merely stated that they had no connection to the acts of which they were supposedly suspected.<sup>54</sup> Other Palestinian policemen became involved with the GSS as intelligence agents and consultants during the course of their service, and also served as interrogators of detainees.

Policeman Jawad a-Tamaizi, age 38, from the village of Idna in the Hebron District, joined the police in 1970, ascended through the ranks and became an interrogator. As part of his work, a-Tamaizi also interrogated Palestinian detainees, both criminal and security, and had a reputation for using severe violence against his subjects. He also participated in arrests and built up contacts with the GSS. During the Intifada, a-Tamaizi's life was threatened repeatedly and he was issued a weapon for self-defense.

At the beginning of the Intifada, the UNC demanded that the policemen resign. Most acquiesced to this demand. On March 7, 1988, Intifada activists killed policeman Nabil Jum'a Farah, age 27, from the 'Aqbat-Jabar refugee camp near Jericho, and mutilated his corpse. Following this incident, most of the policemen who had not yet done so resigned.

Jawad a-Tamaizi refused to resign even after this killing. In April 1989, shots were fired at a-Tamaizi's home, but he was not injured. On August 26, 1989, while a-Tamaizi was abroad, his family in the village of Idna was attacked. Seventy women and children from his family were forced to leave the village, and their houses were looted and set on fire.<sup>55</sup> On December 26, 1989, while driving along a Hebron street near the old bus repair shop, Jawad a-Tamaizi was shot in the head and killed by a member of Fatah.

On April 15, 1991, a masked man shot and killed Inspector 'Abdallah Yunis, age 51, head of the patrol office in the Rafah police and the

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54. *A-Sh'ab*, February 7, 1986.

55. See also Nadav Ha'etsni, *Ma'ariv*, December 29, 1989.



most senior Palestinian officer in the Gaza Strip.<sup>56</sup> Yunis was one of the few policemen who continued to serve in the force after most of the Palestinians had resigned.

According to **B'Tselem's** data, at least seven Palestinian policemen have been killed during the course of the Intifada on the grounds of collaboration with the authorities. **B'Tselem's** findings reveal that most of the killings of policemen during the Intifada were committed against those who refused to resign, or who worked as active collaborators in security matters.

Palestinian policemen who served in the Israel Police but who responded to the appeals and warnings and resigned at the beginning of the Intifada were only rarely harmed. Former policemen and officers in the Israel Police have even been appointed to senior positions in the framework of the Palestinian autonomy in Gaza and Jericho. They include Ibrahim Muhana, a former officer in the Israel Police, who was appointed to head the Palestinian police committee in the Gaza Strip. This suggests that policemen are not considered collaborators on account of their past service in the force. The PLO has even compensated all the policemen who resigned following the appeals of the UNC, providing them with a monthly salary. They have begun to be included in the task of protecting the Palestinian delegates to the peace talks and in various other security tasks.

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56. *Ma'ariv*, April 16, 1991.

## 6. Morality, Family Honor, and Collaboration

During the Intifada, the Palestinian organizations began to consider as collaborators those involved in pimping, prostitution, drug and alcohol pushing, and the distribution of pornographic material, as well as drug addicts or people who, in the opinion of the members of the organizations, contradicted traditional social norms, including adulterers and homosexuals.

The organizations considered "immoral" behavior and various kinds of criminal activity to cause the corruption of society and the weakening of its resistance, thus playing into the hands of the enemies, i.e. the Israeli authorities. These people, in their opinion, were particularly prone to being blackmailed by the security forces, making them "easy prey" for those who recruit collaborators.

In his testimony to **B'Tselem** on October 22, 1993, Salim Mu'afi, a member of the Fatah Hawks in the Gaza Strip, made the following comments:

Generally, the Israeli authorities recruit weak people, that is to say people who come from a weak *hamulah* or people of weak character. One of the most common ways to recruit people is through drug use and moral offenses. This makes it very easy for the authorities to blackmail and threaten them. The policy of the authorities is to allow large quantities of drugs to enter the territories, or to turn a blind eye to drug abuse, with the objective of destroying youth and keeping them away from nationalist activity. We must cleanse society of people of this kind, because they are dangerous to society. Open collaborators, even if armed, do not represent such a danger to society as these people. The open collaborators are known to everyone, but these people are a real danger to society, so we must act against them rapidly and correct them – make them repent, if that is possible, or to eliminate them and thus rid ourselves of them.

The cells linked with the various Palestinian organizations, particularly those identified with secular organizations such as Fatah and the Popular Front, acted as a kind of local "morality police" which dealt with almost all facets of life, imposing its opinions on the population. Among other things, these cells have intervened in family problems (marriage, divorce, dowries and inheritance) and in the punishment of criminal offenders (such as thieves, burglars and rapists). (See also Section 3 of this report for more on this subject.)

The intervention of the local cells in morality and family issues especially affected the situation of women. According to **B'Tselem's** findings, in the six years of the Intifada, over one hundred Palestinian women were killed by other Palestinians on the basis of what was called suspected collaboration. In addition, hundreds of women were physically injured in other ways, similar to those used against men.

The study reveals that most of the women killed by Palestinians during the Intifada did not have any contacts with the security forces. Many of them were accused by the Palestinian organizations of immoral behavior, prostitution or contacts with suspected collaborators, and the accusations were based only on rumor and unverified information.<sup>57</sup> Many of the women attacked were suspected of both collaboration and immoral behavior; some, for example, were suspected of engaging in prostitution and in contacts with collaborators. Women and girls who were attacked by their families or by others for reasons connected with family honor are not included in this report, unless any person or organization announced that the grounds for the attack were of a "nationalist" nature, that is to say, suspicion of collaboration.

During the Intifada, the local cells, which are identified with the various organizations, have taken the place of the *hamulah* as the source of power and authority in the family issues as well, and the concept of "family honor" has acquired national significance. If traditionally only the father's family was held responsible for the woman's behavior, during the Intifada, the street leadership itself began to take on this "authority." The leadership began to lay down rules of behavior for women in circulars telling them to ensure modest behavior and traditional dress, including head covering. Women who did not behave as expected became vulnerable to attacks by Palestinian activists. These attacks included pouring acid on their bodies, throwing stones at them, threats, and even rape.<sup>58</sup>

Women whose behavior was considered immoral have been accused of damaging family and national honor and of weakening the people and the national struggle. The claim has also been made that Palestinian women have been sent by the security forces to recruit collaborators by a range of methods known collectively as *isqat*, which means

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57. On this subject, see also article by Lamiah Lahud, *Yerushalayim*, May 22, 1992.

58. Statements concerning instances of rape have been taken by **B'Tselem** (for example, the statement made by A.H. on December 19, 1993); however, the taboo nature of this subject in Palestinian society makes it impossible to obtain reliable numerical data concerning the number of women who have been raped by members of gangs during the Intifada on the grounds of collaboration or immoral behavior.

lowering someone to collaboration mainly through sexual corruption (such as blackmailing people by photographing them in intimate situations and threatening to circulate the pictures). Sexual *isqat* occupies a central place for the Palestinian organizations and has served as the basis for many of the killings. (On the subject of *isqat*, see Part A. Chapter 3, "Recruitment of Collaborators.")

Over and over, those who carry out these killings justify their actions as a way of coercing women who act immorally. One cannot trust women such as these, they argue, because a married woman, for example, who betrays her husband, is likely to easily betray her people. These kinds of justifications can be heard in testimony given to **B'Tselem** on May 29, 1993, by two activists in the Islamic Jihad. Abu Qa'id and Abu Fayez:

For us, there's a difference between the way we look at women and men. Feminine morality, holiness and preservation of chastity are the most important things. Married women who transgress against prohibitions relating to marriage are not necessarily collaborators, but the fact that they are involved in prostitution means that they are diverting the men they sleep with from the national struggle and injuring their husbands' pride.

A married woman who sleeps with a man who is not her husband is killed immediately. If an unmarried woman sleeps with a man, as long as she is not a collaborator, her bones are broken. This is about twenty percent of the cases. The GSS incites these women to sleep with men and get information from them. Sometimes, married women who are not collaborators are given a punishment of house arrest. We do not take pity on young women who are forced into prostitution – we kill them, too.

In his testimony to **B'Tselem** on May 29, 1993, an activist in the Red Eagle known as Abu 'Ayyad said, among other things:

We kill women who continue to engage in prostitution on a permanent basis. If a woman is incited once to engage in prostitution and does not continue, we only beat her. Inciting women to prostitution is the best way for the authorities to oblige them to become collaborators, since they are afraid that people will find out that they engaged in prostitution, so they continue to collaborate.

In his testimony to **B'Tselem** on August 11, 1993, Hussein 'Awwad, also known as al-Aqra, the commander of the Fatah Hawks in the Khan Yunis area, said:

The Fatah Hawks do not eliminate women solely because of moral offenses, but only if the woman also had contacts with the Israeli authorities. Generally, the authorities recruit women

through photographing them naked or engaged in some immoral activity. They threaten that if they do not collaborate, they will show the pictures to their family and publish them in the newspapers. Women who have already been recruited as collaborators tempt other women into having sexual relations with men, and so it continues. In the case of women who have only been tempted, but have not yet developed contacts with the authorities, we hold educational talks with them and offer them a chance to repent. We believe that our revolution is a revolution of reform, not a revolution of elimination.

During the Intifada, at least 107 women have been killed on the suspicion of collaboration (including accusations of immoral behavior):

1988	1989	1990	1991	1992	1993	Total
1	23	19	22	28	14	107

Eighty-one of these incidents occurred in the Gaza Strip. Noteworthy is the number attacked in the Khan Yunis area (at least 27 women) and Rafah (at least 17 women).

The age of the victims is relatively high: the majority were older than 30. At least 29 women were in the age range of 30-40. Forty-five women were older than 40. Among those killed one can find women age 55 and even one woman age 70. The youngest among them was 18.

#### **a. Five Incidents of the Killing of Women in the Intifada:**

***1. Warda a-Safriyah, age 35, a resident of the Khan Yunis refugee camp in the Gaza Strip. The description of her death was given to B'Tselem by 'A.Q., a wanted member of the Fatah Hawks, on October 2, 1993.***

On April 5, 1993, we received an order from the Fatah Central Committee in Khan Yunis to go to the home of Warda a-Safriyah. At that time I was active in the strike forces and the Popular Army, which belong to the organization. The instruction was to give her a few blows and to impose the punishment of house arrest on her for a period of three months, because she was known as someone who behaved immorally in sexual terms and had relations with a large number of men. She had already been interrogated twice in the past by the Fatah, and she

confessed to having been involved in *isqat*, but she denied that she had relationships with the enemy. She ran a sewing factory with 25 women employees, almost all of whom she had involved in *isqat*.

I went to her house with three young men, two of them wanted men who were caught later, and the third still on the wanted list. We left for her home at about 11 o'clock at night, wearing masks. In order not to attract crowds and make a noise (because a-Safriyah's house is in the Barbah neighborhood, most of whose residents are armed collaborators), we climbed over the adjacent fence and entered the house through the kitchen window, which was open.

We had no firearms. One of us had an ax and the other had a knife. The third didn't have anything, while I was armed with a dagger. We entered her bedroom and found her with a man who was not her husband. Her husband worked in Israel and came back every month for two days.

When I saw this shocking sight I could not restrain myself; we tied the man, who was naked, to a chair, and gave him slaps and blows. We gave him a severe beating. I gave a few slaps to the woman as well, and then I gave her a tablecloth to cover her body, which was completely naked. The woman yelled at me, saying that I should be ashamed of striking someone of my mother's age. The man who was with her also started to yell that we shouldn't do anything to her. We gagged and blindfolded him. The woman again yelled and cursed me, using very coarse words. I could not restrain myself, and I started to strike her on the head with the dagger. After two blows she began bleeding profusely. The woman carried on yelling and cursing my mother and calling her a whore. I went wild and lost my self-control. I shrieked at the woman, told her she was a whore, and continued to give her blows on the head with the dagger. I gave her six blows. She bled a lot. My shirt and my shoes became soiled and blood-soaked. I did not yet know at the time if she was dead. We left her on the bed, soaked in blood. We left the man who was with her tied up.

The next morning I learned that she was dead. The Organization called us in for a talk, because the Organization's decision was not to kill her. We told the Central Committee of the Organization what happened, and they vindicated us. The same day, May 6, 1989, slogans were written on the walls and on the mosques, that the Fatah Organization claimed responsibility for the destruction of Warda a-Safriyah on charges of collaboration.



**2. Wafa Sh'aban al-Ajwani, age 30, resident of the al-Bureij refugee camp in the Gaza Strip.**

On June 27, 1993, an armed Palestinian arrived at the home of the adoptive parents of Wafa al-Ajwani and ordered her to accompany him. He pulled her outside, pushed her against the wall and shot her in the head. She died immediately.

From the testimony of Fuad 'Eid, a resident of al-Bureij, on August 13, 1993:

Al-Ajwani was abandoned by her mother on one of the streets of the al-Bureij refugee camp immediately after her birth in 1963. She was adopted as a baby by Sh'aban al-Ajwani and Subhiyya 'Ashur, a poor and childless couple who found her abandoned in the streets of the camp. People treated al-Ajwani as a foundling. Her adoptive parents treated her well and loved her very much, but nonetheless the child had social problems. Those around her called her "Awaza" and people used to tease and bully her because she belonged to a poor family that lacked support from the society. After completing elementary school, Wafa was married for the first time, but after a year the marriage ended. Her son from this marriage was taken from her. She was forced to marry again, this time to a cart driver from Gaza. This attempt also failed and she was divorced after only one-and-a-half months. She married again, for the third time, to an unemployed drug addict, and gave birth to four more children.

Al-Ajwani worked as a cleaner in the al-Ahali hospital in Gaza, but she was dismissed after rumors were spread in the hospital that she engaged in improper behavior. Afterward, she began to work in the Shifa hospital in Gaza, but there, too, rumors were spread concerning her relations with many men. There were also vague rumors concerning collaboration, and she was warned at least once by Intifada activists.

In 1992, Wafa's husband married a second wife. Because her husband physically abused her, al-Ajwani fled to her adoptive mother's home. On June 27, 1993, a masked man came to her house and ordered her to come with him. Her foster mother began to cry and asked him to interrogate her in the house, but he pulled Wafa outside, placed her against the wall while she was begging for her life, and shot her in the head. She had never been interrogated by any Palestinian individual or organization.



**3. Sbah Kn'an, age 33, widow and mother of four, resident of Nablus.<sup>59</sup>**

On June 26, 1989, masked men from Fatah arrived at the home of Sbah Kn'an and demanded that she accompany them. The next morning, her body was found in the neighborhood of the *qasbah* with stab wounds.

Rumors had been spread about Sbah Kn'an and her sister Fairuz, linking them to the security services, and the two were harassed and subjected to threats on this basis. They were interrogated several times by masked men about "immoral behavior" and collaboration. In April, 1989, masked men interrogated Sbah Kn'an, and following the interrogation she was hospitalized.

Fatmah Kn'an, Sbah's sister, was standing next to the door of the cellar in which Sbah was interrogated and described what she heard to a reporter from *Yediot Aharonot*:

Question: Are you doing bad things, dirty things, defiling the honor of your family and your people?

Answer: What are you talking about? My husband died. I married another man and we have a child.

Question: You didn't marry the father of the child properly. There isn't any document showing that you are husband and wife.



*Sbah Kn'an:  
suspected of collaboration and  
"immoral behavior."*

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59. Based on research by **B'Tselem**, indictments, court verdicts, and newspaper reports.

Answer: That's true. There aren't any papers.

Question: We have heard that you behave badly with the neighbors. You struck a man.

Answer: Once I went with my daughter to sell plates in the street. Someone came and put his hands on me, so I slapped him twice. That's all.

Question: Are you in contact with two administration officers?

Answer: What are you talking about?

Question: You're lying. We know that you have been an informer to Captain Y. and Captain Sh. You gave them the names of six young men in the *shabab*. You told the Jews that they smoke drugs, as well.

Answer: I don't know those officers.

Question: You slept with four Arab men [gives names]. You are a disgrace to us.

Answer: I didn't sleep with anyone, really. I'm a widow. Once a man forced me to sleep with him.

Kn'an went on to deny the interrogators' claims that she owned a pistol. After she was beaten, she admitted that she had owned a pistol, which she had given to a woman friend. The masked men ordered her to bring the pistol by the next morning or she would be killed, and left her injured.<sup>60</sup>

Kn'an's story was leaked to the media, probably by army sources. Nonetheless, the security forces did not take any action to protect Kn'an's life after she was released from the hospital and returned home, although she was in real danger. Two months later, a Fatah gang kidnapped and killed Kn'an. The indictment against Jabar Hawash stated that he participated in the kidnapping along with three others: Aiman Roza, Hani Tayyim and Nasser 'Ammad. According to the charges, the four men took Kn'an from her house to the *qasbah* area in Nablus, where they interrogated her and subsequently beat her about the head, broke her skull and stabbed her 17 times with knives. Hawash, who was convicted of the murder of six suspected collaborators, was sentenced in 1990 to six life-sentences.

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60. Anat Tal-Shir, "I'm Afraid They'll Come Again," *Yediot Aharonot*, April 25, 1989.

#### **4. Sana Zbeidi, age 22, resident of 'Anabta, Tulkarem District.**

On July 7, 1993, Adham Zbeidi killed his sister Sana Zbeidi, age 22. He cut off her head, walked around the streets of the town of 'Anabta holding it, and then turned himself in to the police.<sup>61</sup>

Sana Zbeidi married Khaled Muhammad Ahmad 'Abd a-Dayyem in February 1993. On July 5, 1993, she disappeared from her house; it seems that she fled to the house of the 'Abd Rabu family in Tulkarem, well-known in the area as a family of armed collaborators. According to a testimony by her husband, Khaled, he was summoned in the evening to the police station in Tulkarem, where he found his wife waiting with her relatives. It seems that Sana Zbeidi had complained at the police station that her husband was violent towards her, and that he had beaten her and thrown acid at her. The husband denied the claims and, after promising the policeman at the station that he would not behave violently, he returned with his wife's family to 'Anabta. According to the husband's testimony, his wife told him on the way that she had been kidnapped by members of the 'Abd Rabu family, who had threatened her at gunpoint and forced her to tell the police that she had come to their house of her own free will and that her husband was in the habit of beating her.

The husband's testimony continues:

On July 7, 1993, at about 6.30 a.m., I was woken up by shouts near the house. I asked my mother what the shouting was about, and she told me that Adham had killed his sister Sana, cut off her head and was walking with her head toward the market... . At about 9 a.m., soldiers and policemen arrived at my wife's parents' house. Two soldiers came to my house and took me to the police, where I saw Adham. I asked him: "Why did you kill her?" He said that there's no room for filthy people around here. I asked what he meant, and he replied: She's filthy, and she tattles on people to the 'Abd Rabu family. I asked him how he knew this, and he said that he had interrogated her at home and she had admitted to everything... . At the time she was murdered, my wife was pregnant in her fifth month. My wife or any other woman who runs away to the 'Abd Rabu family must be murdered. My wife has a very large family which is supposed to protect her [honor], and by running to the 'Abd Rabu family she injured the honor of the family.

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61. Based on portions of the testimony of Khaled Muhammad Ahmad 'Abd a-Dayyem, given to **B'Tselem** on August 6, 1993.

**5. 'Itaf a-Nims, age 45, resident of the Shabura neighborhood in Rafah, married with four children.**

On September 8, 1990, 'Itaf a-Nims was beaten to death with axes by masked men. On October 20, 1991, an indictment was presented to the Rafah Military Court attributing this act to six Palestinians, members of the "Black Panther" cell which is identified with Fatah: Sh'aban Hanayyef, Yasser Znun, Nasser Abu Qa'ud, Ramzi Tayyem, Ashraf Abu Jazr and Hisham Abu Jazr. In a testimony to the police, Hanayyef claimed that a-Nims was suspected of collaborating with the GSS.

According to a testimony by S.J. taken by **B'Tselem** on August 23, 1993, members of the a-Nims family were harassed during the course of the Intifada by activists, and some of them were placed under house arrest. According to the testimony, 'Itaf a-Nims had contacts with a man known as "Abu Zahir," a well-known armed collaborator from the Rafah district. The testimony continues:

In the past, members of the "Intifada Torch" cell, which belongs to the Popular Front (PFLP), tried to kill her. They broke into her house, and after putting the other members of the household into a separate room, they stabbed 'Itaf a-Nims in the stomach. She was taken to be treated at the hospital.

Some time later, 'Itaf was kidnapped by members of the Black Panther cell. Two days later, on the main street of Shabura, I saw people running toward a Peugeot model 404 which had stopped in the middle of the street. I ran along with them.

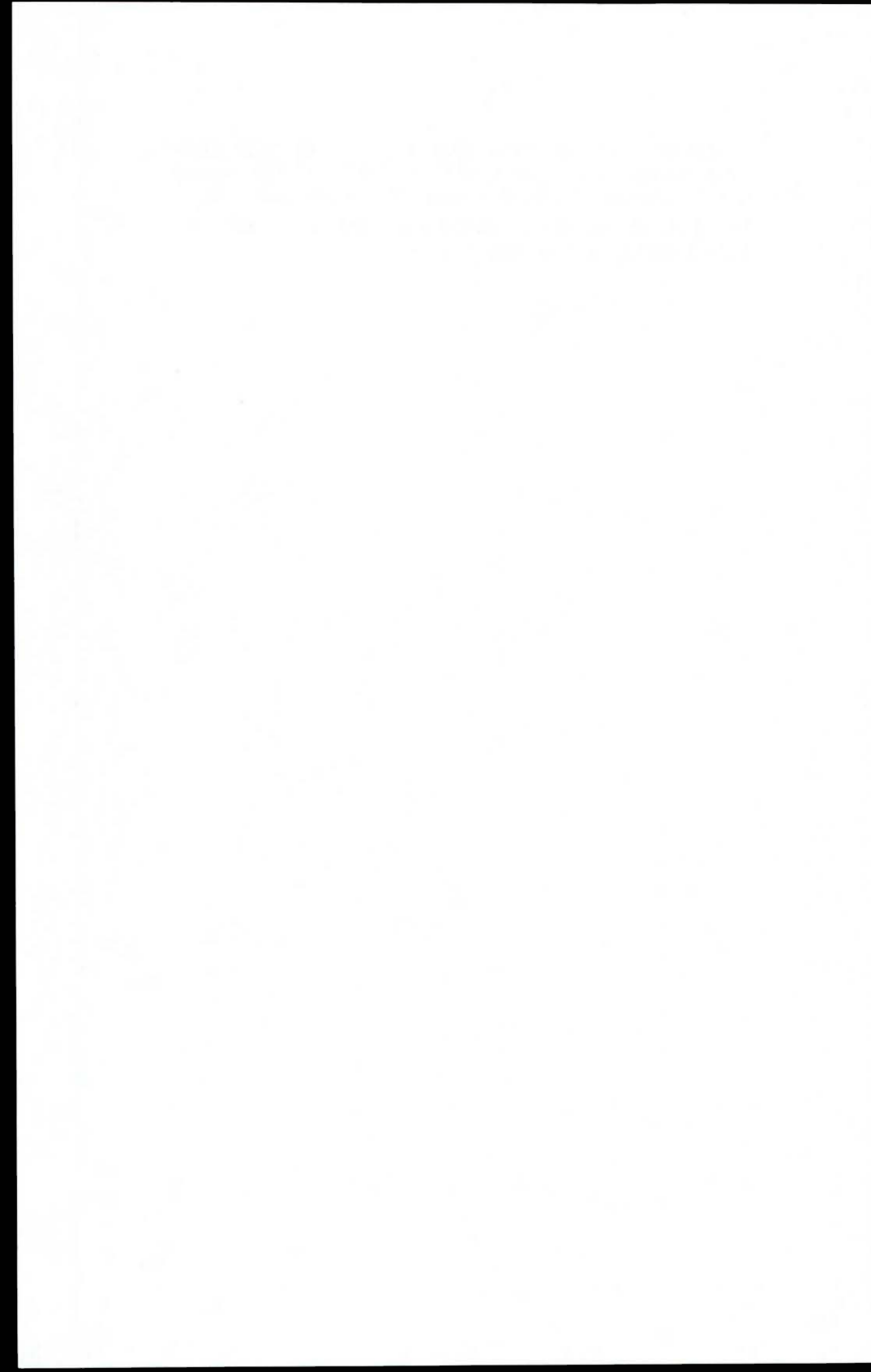
The masked men took a woman out of the car. She seemed completely exhausted and fell to the ground. There were a lot of people there. One of the masked men called out that the woman had admitted that she had collaborated with the authorities since the 1970s, had informed on bands of "fedayeen" (infiltrators), had corrupted many young men and women and was continuing to spy on Intifada activists through a crack in the wall around her garden. The masked man added that she had tried to deceive a Black Panther cell during her interrogation. The same charges appeared in a testimony issued by the Black Panthers after the action.

The masked man asked the people: "What sentence would you give to such a woman?" The people answered: "Death."

I saw that she was talking, but I couldn't hear what she said, because the crowd was shouting louder and louder, and no one was interested in what she was saying.

People shouted out: "We don't want to see any more collaborators. Yasser, our hero! Fahd, our hero!" The masked men beat her on all parts of her body with axes until she died.

The group of masked men left the scene, and one of 'Itaf's sons came and took her body away in a car.



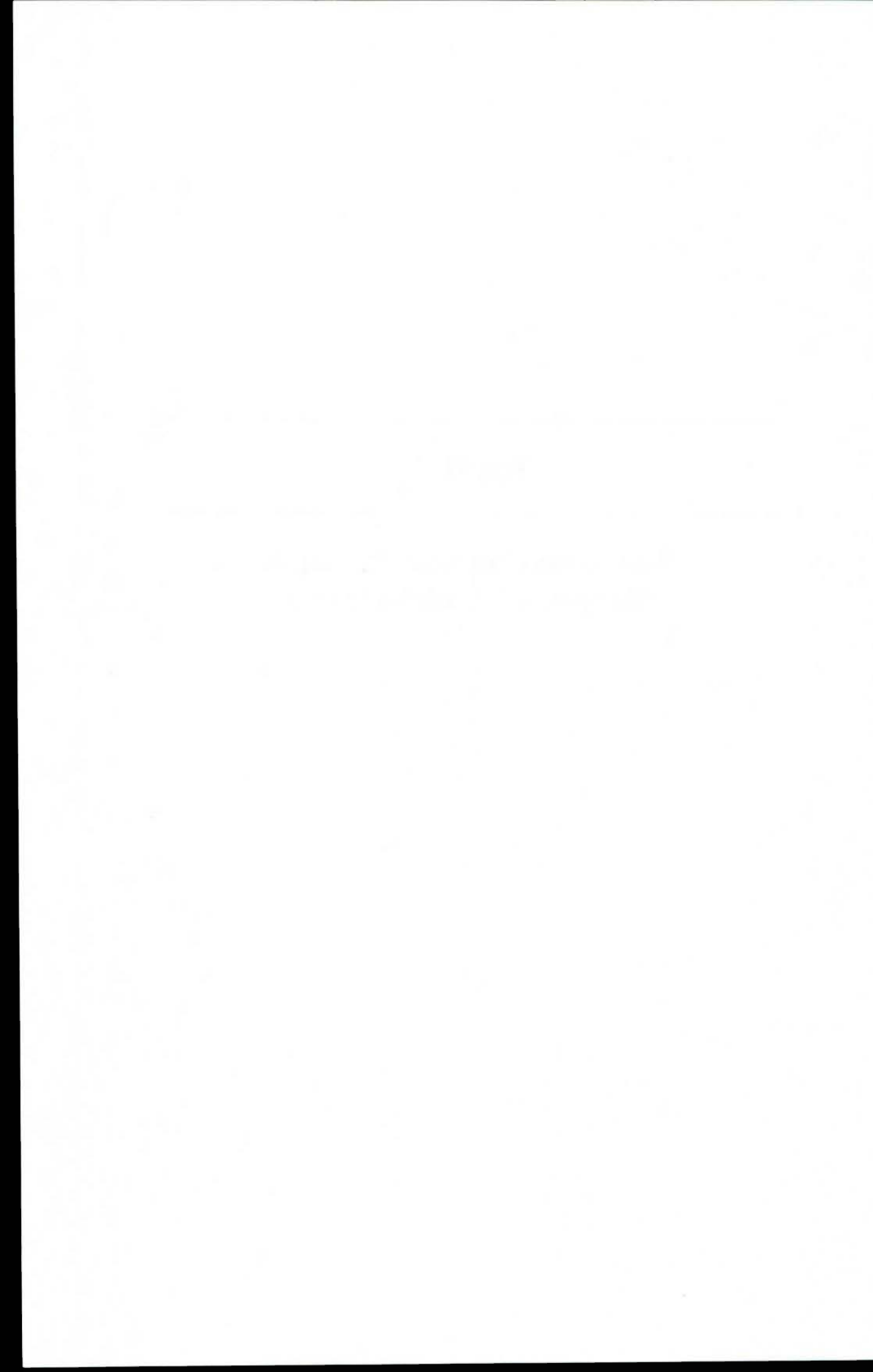
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## **PART C**

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### **The Torturing and Killing of Suspected Collaborators**





# 1. The Torturing and Killing of Suspected Collaborators as a Human Rights Violation

Many voices have been heard among the Palestinian population justifying the killing of collaborators. The grounds for justification is the need for defense against the various dangers that threaten them, given the absence of effective alternatives for coping with these dangers due to Israel's control of the territories.

A patent asymmetry exists between the means of enforcement available to the state and those available to the Palestinian residents of the territories. Enforcement agencies such as the police, courts, detention facilities, and prisons, which are available to the state and which it can use to detain, try and punish those who break its laws, are not available to the Palestinian residents of the territories.

The Palestinians are subject to Israeli military rule, but most do not recognize its legitimacy. Consequently, a clear-cut conflict of interests exists between the legislative and executive branches and the population. This clash of interests is particularly acute in all matters concerning those who collaborate with the Israeli authorities. A person defined by the Palestinian political organizations as a collaborator is considered by them to be a "traitor." The authorities, in contrast, consider the activities of Palestinians who act as collaborators to be an important contribution to security. Furthermore, the authorities make use of collaborators in operations against Palestinians, some of which involve breaches of human rights. In many cases the authorities have refrained from enforcing the law in the case of collaborators who, not in the context of their work, have committed criminal acts against other Palestinians.

**B'Tselem** recognizes the right of Palestinian society to defend itself as long as the means which it uses do not conflict with the norms of international law. The findings of the investigation point to widespread phenomena of killings, torture, and brutal punishment inflicted on suspected collaborators by Palestinian organizations and their activists. These phenomena are an extremely grave breach of human rights, and cannot be justified in any situation whatsoever.

Even in the absence of a viable legal system, before an individual is punished a proper investigation must be carried out, and the suspect must be given a suitable opportunity to defend himself in order to

prevent arbitrary punishment. The findings of this report indicate, however, that Palestinian political organizations and their activists carry out punitive actions against suspected collaborators in the territories without any examination complying with minimum legal standards.

A particularly grave phenomenon is the frequent use made of executions without trial and torture. The international community has unequivocally prohibited the use of torture and execution without trial in all situations and circumstances.<sup>1</sup> **B'Tselem** considers the death penalty as violating basic human rights, and is opposed to its use even after a fair judicial procedure. This is despite the fact that the general prohibition on the death penalty, accepted today by many human rights organizations, has not yet become a binding international norm.<sup>2</sup>

The prohibitions on execution and torture also apply to non-governmental groups, as indicated in Article 3, which appears in all the Geneva Conventions and applies to the non-governmental parties to a conflict.<sup>3</sup> The "Declaration of Minimum Humanitarian Standards," applicable to all individuals, groups and authorities, including governments and armed opposition groups, also unequivocally prohibits the use of torture, the arbitrary taking of life and the pronouncement of sentence in the absence of a prior judgment rendered by a competent court.<sup>4</sup>

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1. Under Article 4 of the International Covenant on Civil and Political Rights, governments are obliged to refrain from torture and from executions without trial. This obligation also applies when the State's existence is in danger.

2. On the position against the death penalty position from the viewpoint of a human rights organization see: Amnesty International, **When the State Kills... The Death Penalty v. Human Rights**, London, Amnesty International Publications, 1989.

3. See the introduction to the Report, pp. 13-15.

4. Theodore Meron, "Declaration of Minimum Humanitarian Standards," **American Journal of International Law**, vol. 85, 1991, pp. 375-181. This Declaration was initiated by non-governmental organizations and thus has no official legal status. Nevertheless, the Declaration has recently gained United Nations recognition, and has gradually acquired international status. See: Hans-Peter Gasser, "Humanitarian Standards for Internal Strife: A brief review of new developments," pp. 221-226.

## 2. The Cells Involved in Torturing and Killing Suspected Collaborators

The phenomenon of the killing of suspected collaborators began prior to the Intifada, but the scope of the killings was at the time much smaller. Previously, those who carried out killings were members of organized groups of the PLO's central political factions, and the killings were carried out in coordination with and with the approval of its military apparatuses outside the territories. At the end of the 1960s and the beginning of the 1970s, the security forces made gradually increasing use of the services of collaborators. During this period dozens of suspected collaborators were killed. Outside this period, only a few cases of such killings are known.<sup>5</sup>

In the first year of the Intifada, some twenty suspected collaborators were killed, most of them generally known as armed collaborators. The killings were spontaneous in nature, as were the rest of the early manifestations of the uprising. In the second year, the number of those killed for suspected collaboration shot up to over one hundred, and in the following four years the numbers continued to rise.<sup>6</sup> Palestinian organizations began to keep tabs on people who in their eyes were suspected of collaboration, and in parallel a broader definition of the notion of "collaborator" was introduced. (On definitions, see the Introduction as well as later in Part C of the Report). As the number of killings increased, dissenting voices began to be heard among the Palestinian leadership, which had provided widespread support for these actions at the beginning of the Intifada, calling on Palestinians to act with restraint and to issue warnings to suspects before killing them.

Members of the strike forces and activists of the cells identified with various organizations, from the end of 1988, became increasingly involved in tracking down and punishing suspected collaborators. Their activity began following the outlawing of the Popular Committees in August 1988. These committees, which were identified with PLO organizations, were originally involved in acting as a focal-point for

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5. See also Part D below, on the PLO leadership's view on the killing of suspected collaborators.

6. According to Associated Press figures, 22 Palestinians were killed in the first year of the Intifada on suspicion of collaboration, and 131 in the second year. According to the IDF Spokesperson's figures, the number of such killings was 20 in 1988, and 140 in 1989.

popular resistance actions and attempting to create in the territories an administrative system alternative to that of Israel. Many of their activists went underground to join the strike forces and became wanted persons, or were arrested by the security forces.<sup>7</sup>

Sometimes they operated independently, ignoring the leadership whether within or outside the territories, but the PLO leadership did not dissociate itself from their actions. Over time these groups were penetrated by criminal elements, and in the wake of the waves of arrests carried out by the security forces, the average age of their leaders fell steadily.

As Palestinian journalist Jamal Hamad stated in a conversation with **B'Tselem**: "The members of these groups felt that their leaders, who belonged to wealthy and aristocratic Jerusalem and Nablus families, had 'stolen' the Intifada from them and captured the media and publicity limelight, while they were the ones actually paying the price of suffering and sacrifice. From their perspective, the situation gave them a perfect opportunity to impose their control, rejecting the elitists' authority of the local leadership and even that of the PLO leadership."<sup>8</sup>

A reciprocal influence can be identified between the increase in the number of killings of suspected collaborators and the security forces' formulation of lists of wanted individuals including the hard core of the Intifada activists. From mid-1989 on, the wanted men who appeared on these lists became a dominant element in the power relationships between the Palestinian organizations and the authorities. The information on which the security forces relied was based, among other sources, on intelligence material provided by collaborators, a state of affairs which led the organizations' activists to invest much effort in tracking down and punishing those who provided this information. In time, as murders of suspected collaborators increased, the security forces stepped up their efforts to locate and corner the cell activists responsible, through use of the undercover units. Capture and attack of wanted individuals thus increased, sometimes entailing breach of IDF instructions, of Israeli law and of international law.<sup>9</sup>

When the scope of the killings expanded significantly, efforts were made by various leadership circles to regain control over punitive

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7. "Strike forces" is the general name for para-military groups involved in confrontations with soldiers and the investigation and punishment of suspected collaborators. Each of the Palestinian organizations operated such a body.

8. Jamal Hamad. Time Magazine correspondent in conversation with a **B'Tselem** representative, June 22, 1993.

9. See **B'Tselem, Activity of the Undercover Units in the Occupied Territories**, May 1992.

operations against suspected collaborators and to lay down clearer criteria for such actions, but without much success.

The activists in the groups involved with killing suspected collaborators can be divided into three categories: armed activists, normally wanted by the security forces; secondary activists, earmarked to replace the armed activists in the event of their capture, flight abroad or death; and assistants, who provide the first category with food and hiding places, and warn them about the security forces.

The cells identified with the Islamic organizations, primarily the Hamas, carried out few operations against suspected collaborators during the first years of the Intifada. Prior to the arrest of Hamas leader Sheikh Ahmad Yassin in May 1989, Hamas members had killed some ten suspects. In the period during which Sheikh Yassin was arrested, members of the Majed group and the Palestinian Mujahadin who until then had been involved in interrogating suspects, were also arrested. They were replaced by the 'Iz a-Din al-Qassam cells, which consisted of young activists with an extremely hard-line approach to collaborators. Since the 'Iz a-Din al-Qassam cells began to operate, there has been a sharp increase in the killings of suspected collaborators. In 1992 and 1993, members of these cells carried out most of the killings of suspected collaborators that took place in the Gaza Strip. In the West Bank, most of the killings were carried out by cells identified with the various PLO factions, primarily the Fatah.

Despite the extensive operations of the cells identified with the Hamas in Gaza Strip, no detailed description is given here of the cell identified with this organization, partially due to the tendency of these activists to maintain a high level of secrecy in all matters pertaining to their activity, and to refrain from all contact with Israelis. As stated in the introduction of this report, it is needless to mention that **B'Tselem** does not differentiate between the acts of torture and killings perpetrated by the various organizations – all such acts are viewed as grave breaches of human rights.

### **a. The Black Panther and Red Eagle Cells in Nablus**

In the Nablus area a number of cells have operated, the most prominent of which was set up by Nasser al-Buz, whose nickname was the Black Panther. This cell was much imitated by a large number of cells which were subsequently established throughout the territories. These cells bore names which gave no indication of ties with the parent

organizations, such as the Red Eagle, the Veiled Lion, the Fatah Hawks and the Ninja.

The Black Panther cell, which was identified with the Fatah Organization, operated in the Nablus area in 1988 and 1989. One of the incentives for its establishment was the positive reaction of the Unified National Command to the February 1988 lynching of Muhammad 'Ayid Zakarnah in the town of Qabatia.<sup>10</sup> According to **B'Tselem's** sources, although this cell was identified with the Fatah, only Nasser al-Buz, its founder, maintained formal ties with the cell.

The cell consisted of some ten men and was involved in collecting information about and punishing Palestinians suspected of providing information to the authorities. The first killing operations of the Black Panther cell took place in 1988, all in September. The first killed, As'ad Abu Jos, was known in the Nablus area as a collaborator in a detention center. The second, Rashed Thaljiyyah, was suspected of having links with security circles and of acting as a middleman for land sales to Israelis. Na'im Tawfiq Stitiyyah, the third man to be killed, was suspected of immoral behavior.

In the middle of the first year of its activities, the cell enjoyed the sympathy of the Nablus population, and many young people joined. Its new recruits included Jabar Hawash, then age 16. After a few months Hawash left the Black Panther cell, and together with some friends established a new cell called the Red Eagle, which was identified with the Popular Front organization. The Red Eagle cell operated independently. Its operations were terminated on November 10, 1989 with the killing by the security forces of its commander, Aiman Rosa, and the capture of five other members of the cell.<sup>11</sup> During his five months' association with the Black Panther and Red Eagle cells, until his arrest in November 1989, Jabar Hawash killed at least six people by stabbing, ax blows or shooting. On September 16, 1990 the Nablus Military Court sentenced him to six terms of life imprisonment.

At the beginning of 1989 a turning point occurred in the activities of the Black Panther cell, which began to be involved in criminal activities, including murder, robbery, and blackmail, as a result losing the support of the local population. In the course of this year the members of the cell killed a large number of people, and their operating methods were characterized by great brutality. In many instances people were killed because of mistaken identity. One of these was 'Ali Ahmad a-Shtayah,

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10. UNC circular No. 9, March 2, 1988.

11. Yizhar Be'er, *Ha'aretz*, November 10, 1989.



the *mukhtar* of Kufr Salem, who after his death was proclaimed by the Fatah as a "martyr of the Intifada." The cell also began interfering in various social aspects of residents' lives, including marriages, divorce, inheritance disputes, and moral issues.

The cell's activities came to an end in December 1989, after the security forces killed four of its members, including the cell commander, 'Imad Nasser, and his deputy Hani Tayyim, on December 1, 1989. The following day most of the remaining members were arrested.<sup>12</sup> After the cell broke up, other cells of youngsters, calling themselves Black Panther after the original Nablus cell, were set up in the territories, primarily in the north of the West Bank and in Gaza.

## **b. The Fatah Hawks Cell in Rafah**

The first cells to operate in the Gaza Strip, involved in tracking down, interrogating and punishing suspected collaborators, were set up in Rafah. These cells were originally called by a variety of names, including the Abu Jihad Battalions and the Rafiq a-Salamah cell, and later they adopted names similar to those of the cells in the West Bank, but including affiliational labels, such as the Fatah Hawks.

The Fatah Hawks operated through a command which coordinated the operations of local cells in different Gaza locations. The command was in direct contact with PLO headquarters in Tunis, from which it received financial aid for distribution among the cells. In a testimony to **B'Tselem**, Yusef al-'Arjani, commander of the cell since April 1993 (see the major excerpt from his interview, below) said: "Each month we receive approximately 500 shekels from Tunis for each activist. The money reaches the area commanders, and they distribute it."

From the beginning of 1992 until his flight to Egypt at the beginning of April 1993, the Fatah Hawks cell in Rafah was headed by Yasser Abu Samhadanah. A **B'Tselem** investigation into this cell's activities during the period that it was under his command indicates that Abu Samhadanah was responsible for the killing of 37 Palestinians, including three women, and the injuring of hundreds of others. At least 25 of these were killed by Abu Samhadanah personally. At least two people died in the course of brutal interrogations carried out by Abu

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12. Yizhar Be'er, *Ha'aretz*, December 3, 1989.

Samhadanah, and at least one more was killed in spite of an explicit instruction from the Fatah, which wanted him simply to be deterred.<sup>13</sup>

Testimony indicates that most of the injuries to suspected collaborators were inflicted personally by Abu Samhadanah, whose main activities were directed against suspected collaborators, as opposed to security forces. One of the cell members made the following comments in a testimony to **B'Tselem** on October 21, 1993:

Yasser was extremely violent in interrogations and brutal and cruel when committing murder. He was bloodthirsty. Yasser literally went wild and became hysterical when the organization prevented him from interrogating a collaborator. He was so cruel that two people whom he was interrogating died during the interrogation. He would also torture and mutilate the bodies of those he interrogated before murdering them. He was always irritated and antsy. He was mentally disturbed, intolerant, someone who never thought twice, reckless and impulsive.

Testimony shows that Abu Samhadanah's colleagues prevented him from carrying out several of the killings that he was planning, not in cases of suspected collaboration, but of suspected immoral behavior or flouting of social norms.

Abu Samhadanah operated not only in the Rafah area but throughout the entire Gaza Strip. He would impose a range of punishments, such as house arrest, breaking bones, shooting individuals in the legs, and the death penalty. He would sometimes carry out killings in broad daylight and before a large crowd. His colleagues in the cell reported that during the period of his activities he broke the bones of and shot in the legs some one hundred people, and imposed approximately 120 house arrests. In a newspaper interview a Rafah resident stated that "Yasser would go to the house of the murdered person or to his place of work. He would bring the man out into the street, fire a couple of shots into the air in order to attract people's attention, and then he would shoot him up with bullets and finish him off in front of everyone. He would not just shoot him in the head. He would shoot at the whole body, the heart, everywhere. After he murdered them, he made sure that circulars would be distributed saying that they were collaborators, and

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13. The information about Abu Samhadanah's activities and the cell which he commanded is based on conversations with senior Fatah activists in the Gaza Strip, including a key piece of testimony given to **B'Tselem** by one of the commanders of the Fatah's military establishment in the Gaza Strip (the testimonies were given to **B'Tselem** on October 21-23, 1993 in Rafah), as well as other **B'Tselem** testimonies.

people would spray [graffiti] announcements to that effect for him on the walls in black paint."<sup>14</sup>

On December 2, 1992 Abu Samhadanah killed Jamal Muhammad Fadah, a Rafah resident. Fadah, age 30, was known as a drug dealer. After rumors that he was a collaborator were circulated, he moved to the Dahaniyah camp. Abu Samhadanah, who moved around armed and unmasked, seized Fadah near the Rafah police station and led him through the streets. A crowd collected round the two men. Abu Samhadanah asked Fadah about his ties with the Israeli security forces. Fadah denied having any, but admitted to being a drug dealer. Abu Samhadanah made Fadah sit on the ground, put a pistol to his head, and after announcing that the Revolutionary Court had decided to execute him, shot and killed him in front of the crowd which had gathered, including an *Agence France Presse* (AFP) photographer who took pictures of the incident.

A woman resident of Rafah's Shabura neighborhood, S.J., reported the following in testimony to **B'Tselem** on October 24, 1993:<sup>15</sup>

On March 14, 1992 at around 7 p.m. I was sitting at home with my husband and my five children. We heard voices outside. The weather that day was very bad; it was raining and there was a thunderstorm, and so we thought that the noise outside was from the rain, but after about five minutes, we heard knocking on the door. I thought that it was the army and I was afraid to get up and open the door. The knocking got louder. My husband went to the door and asked who was there. Somebody answered: "Open the door, this is the People's Army for the Liberation of Palestine."

My husband opened the door and four youths burst into the room. Three were masked. The fourth was Yasser Abu Samhadanah, unmasked, who was very famous during that period.

Yasser ordered me to come with them. I screamed and asked where. He pulled me by the arms, pointed his pistol at my head and ordered me to come quietly. The children were screaming and crying. Yasser pointed his gun at them and told them to be quiet. My husband tried to approach and get me away from them, but Yasser pushed him and knocked him down. Yasser pointed his gun at him and said to him: "Don't try to get near her. If you do, or if you even yell, I'll shoot you immediately."

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14. Moshe Zunder, *Tel Aviv*, "The Monster from Rafah," May 28, 1993.

15. Testimony to **B'Tselem** by J., a member of the Fatah Hawks, October 21, 1993.

They blindfolded me and took me outside, where a car was waiting for them. I got into the car with them and we drove off. I don't know where to. After about ten minutes the car stopped. They took me inside a house, I don't know whose house it was or where it was. They took off the blindfold and I saw the youths who had kidnapped me. Yasser and another one were armed with pistols, and the other two had axes and knives.

Yasser turned to me and asked me what kind of relationship I had with Mahmud, who is my husband's brother. He accused me of sleeping with him. I yelled that that was a lie. Yasser slapped me violently and said: "You are a liar and a whore. There are people who saw him leaving your house two days ago, when your husband was not at home." I asked him when this was, and he said that this was two days ago, in the morning. I said that he came to visit us for a personal reason that I couldn't reveal to him, and in addition, my son was sick and my brother-in-law had a car in which he was going to take the child to the UNRWA clinic. Yasser screamed, "Liar," slapped me again and again asked if I was sleeping with my brother-in-law. I began to cry and again I screamed, "He is my husband's brother, what do you mean 'sleeping with him'? He is the children's uncle. Shame on you!" When I said the word "shame," he lost control and beat me all over my body, calling me a whore.

I vehemently denied his accusations and tried to protect myself. Yasser said that there were people who had seen me in bed with my brother-in-law. I again denied this and he hit me on my head with his pistol, until the blood flowed. After about four hours of interrogation they blindfolded me again and took me home. My face was bruised and covered in blood. Yasser threatened that if I told my husband or anyone else what had happened, he would shoot me. When I came home, my husband and children were sitting there terrified, and my husband asked over and over again what had happened. I did not answer him, because I was frightened of Yasser.

Three days later, at about 9 p.m., Yasser came once again, together with two youths. One of them was armed with a Kalashnikov and the other was masked and had an ax. The three of them took me to the kitchen. Yasser said to me: "You have not learned, you whore, you. Yesterday he returned to you in the morning, your husband's brother." My husband approached to see what was happening. The youth with the axe took him and the children, locked them in the room and stayed guarding them. Yasser said to me: "What was he doing in your home

yesterday?" I said that he came to visit us. Yasser pointed his gun and shot three times at my legs. He said: "This is so that you will learn, you whore, and if I hear that he has come to you again, I will shoot you and him." I fell to the floor. The youths left, and my husband took me to Nasser Hospital in Khan Yunis. The bullets did not penetrate the bones, but only the flesh of the left leg, where they left scars. My husband began to suspect me of immoral behavior, and we nearly got divorced. I had to tell him the whole story. To this day I cannot go out into the street, none of the neighbors talk to me, and my brother-in-law has also stopped visiting us.

At the beginning of April 1993 Abu Samhadanah fled to Egypt. Fatah activists in the Gaza Strip informed **B'Tselem** that the main reason for his flight was a confrontation between him and his commanders in the organization, who curtailed his activities and his operating methods because he had failed to obey their instructions and frequently acted as he saw fit.

Of nine men who were members of the Fatah Hawks in 1992, five fled to Egypt with Abu Samhadanah, two were killed by the security forces, and one was arrested.

Yusef al-'Arjani, a resident of the Rafah neighborhood of 'Araibeh with a history degree from the University of Algiers and father of two, replaced Abu Samhadanah as commander of the Fatah Hawks cell in the Rafah area. Following is an excerpt from his interview with **B'Tselem** on August 12, 1993 about the operation methods of the cell:

We receive the information about suspected collaborators mainly from jails, from the Revolutionary Security Apparatus [a Fatah body which keeps tabs on those suspected of collaborating]. People who are released from jail pass on the names of collaborators operating inside, as well as the names of people who have been sentenced to long periods and are suddenly released after a short time. We suspect that the authorities released them on condition that they collaborate, and they are immediately placed under surveillance. An extra source of information is a collaborator who has been arrested for interrogation by members of the Revolutionary Security Apparatus, and reveals the names of other collaborators who operate with him. Yet another source is Intifada activists, who see someone entering the Civil Administration or police offices in the wee hours, and they give that person's name to the Apparatus.

Afterwards people are sent by the Apparatus to tail the suspect. Intifada activists in that neighborhood are asked to keep an eye on him. After that an initial file is opened, where all the information which has been collected about him so far is held, without his personal testimony. After that he is taken away for interrogation at certain locations.

The groups of interrogators consist of three to five people from the Unified National Command. They always include a wanted man, who is responsible for the interrogation. The composition changes only if one of the interrogators is arrested, flees abroad, or dies.

The interrogation may take two weeks, if the suspect does not confess. In complex cases a collaborator who has repented is confronted with the recalcitrant suspect, and the reformed collaborator testifies that he really is a collaborator. When we have managed to break the suspect, we take testimony from him and record it.

We do not operate independently. The file with all the testimony is sent to the Unified National Command. The Command consults with Tunis and with other elements in Arab countries, and they decide on the appropriate punishment. Only when dealing with an armed collaborator do we impose a death penalty without waiting for a decision from the top. We stopped torturing three years ago, in 1989. The interrogations are no longer accompanied by severe torture. We beat, but not severely. There are three types of punishment: killing, deterrence and breaking (or "*rada* and *taksir*," meaning breaking bones and shooting at legs), and house arrest. Other kinds of collaborators, such as drug dealers, who receive instructions from the Israeli authorities to be agents, also receive the death penalty.

In reply to **B'Tselem's** question: Why are the cells which identify with the PLO continuing to carry out killings even after the PLO has announced that they have been stopped, 'Arjani replied:

The PLO Headquarters in Tunis issues two (parallel) communiques: an external communique calling for the end of the liquidations, and a communique designed for internal use, calling for them to continue. The internal instructions are received only by the activists.





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# עדות מצולמת: הצאה להורג ברצועת עזה

התמונה של חיסול חשודים בעיתון בעולה עם ישראל  
בעמדות ואלים פתורים, כעת יש לך עדות מצולמת  
והעדות שלם סוכנת הידיעות הגרמנית (א.א.א. 1)  
העליון להענין באמצעות המנהל להורג - לאור המ  
עבראא חמאס - של חמאס שוכנת להורג ברמת  
המזרחית והדרומית חסידות פיצר המנהל להורג  
המנהל שנים באמצעות התקשורת, האיש נשאל מחזור  
סדא 1111 מחזור בסיוע לישראל, וחמאס בשעת  
אחר-ההגרים והכל בגלל על-יד חמאס, שוכן אליו  
אקדח (תמונה מס 1) להורג שוכנת ברמת, עם  
ידה הראשית לחות בקרבת (תמונה 2) ואחר-כך דרך על  
המפה חמאס באקדח בגאווה לעיני כל (תמונה מס 3)



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Yasser Abu Samhadanah during the photographed execution of suspected collaborator Jamal Fada. Photographed by Agence France Presse (AFP), and published in Yediot Aharonot, December 3, 1992.



### **c. The Red Eagle Cell in Khan Yunis: Testimony**

***"Abu 'Ayid," (actual name on file at B'Tselem) a member of the Red Eagle Cell which operated in the Khan Yunis area, related the following in an interview with B'Tselem on May 29, 1993:***

The armed Red Eagle cell receives its instructions from the Red Eagle Regional Command in the territories, which allocates the work between the [different] areas.

The carrying out of interrogations is one of the important tasks for us, the armed wanted men, apart from carrying out attacks on the army and on the settlers, and eliminating the collaborators. We have a certificate which empowers us to carry out interrogations. We feel that it is our right and our duty to do this. We are the authority government.

In each area there is a cell which interrogates suspected collaborators. After the cell receives information about the suspect, several people are chosen to verify the information and to keep tabs on him. After that the information is sent to the Head Command, from there instructions are received to interrogate him, or sometimes to execute him.

During the interrogation the suspect's confession is recorded. The results of the interrogation are sent in writing to the Regional Command, and instructions are received as to how to proceed. We do not kill anybody unless we are one hundred percent sure that he is a collaborator, and unless he himself has confessed.

Sometimes we also use torture, including long hours of interrogation, beatings, and food deprivation. We do not have permanent interrogators; every time, the organization chooses the people who will investigate that specific case, depending on the degree of urgency and the interrogators' availability. I have personally taken part both in interrogations and also in executions. Sometimes, when no firearms are available, an axe is used for killing. This form of killing is also a way of deterring the public, of eliminating the phenomenon of collaboration.

The decision to eliminate or not to eliminate depends on the organization and the severity of the act. For example, people who collaborated with the authorities before the Intifada, and afterwards refused to continue to do so, approached us with the claim that the government was still exerting pressure on them.

We give them support and protection, as well as certificates of integrity.

We have several forms of punishment apart from killing: house arrest – remaining at home for a few months; breaking bones – a punishment normally inflicted on women. Mental pressure is also applied to people to get them to stop collaborating, by means of threats and prolonged interrogations. If they stop, they are given the lenient punishment of breaking bones or house arrest. This is only in cases of collaboration that are not severe.

#### **d. The Seif al-Islam Cell: Testimony**

***The Seif al-Islam cell, identified with the Islamic Jihad, is also known as the Hizballah, or as it portrays itself following attacks, Ketaib 'Iz a-Din al-Qassam. Following is an excerpt from B'Tselem's testimony of May 29, 1993, with "Abu Qa'id," a cell member on the wanted list.***

In the first stage, the heads of the Jihad's regional branch receive information about the collaborator operating in their area. After that the heads of the organization verify the information, collect all the details in the file and send the material to our central leadership in the Strip. If we discover that the collaborator is armed, he is killed directly, without waiting for a green light from the leadership. In other cases, after we receive instructions from the leadership to interrogate the suspect, the organization's heads decide what action should be taken. All this activity is carried out in utmost secrecy. The only people who the organization's heads let in on the secret are the people who are involved in the mission.

The suspect is called for interrogation. The new instructions are to make less use of torture during interrogations. If after the first time he does not confess, he is tied to a chair and not released until he confesses. Generally he is taken out of his home, blindfolded and taken to special interrogation locations, in houses set aside for that purpose. The serious torture only begins after the suspect has not confessed for a long time, and there is a great deal of material against him. The torture includes inflicting blows on the legs using weapons, tying to a chair for long hours, blindfolding, extinguishing cigarettes on parts of his body, dripping burning plastic on all parts of his body. Some of those interrogated died during interrogation of a heart attack or

because the torture was so severe. After several cases in which those interrogated died during the proceeding, new instructions were issued not to carry out brutal torture, but to do things in a more civilized fashion.

The interrogation committee of our branch consists of five people, who carry out interrogations on a permanent basis. These people are not necessarily also those who execute the collaborator, if that is his sentence. The makeup of this committee does not change, unless one of the wanted men is killed or has to take flight. In these circumstances the advisory committee decides who is the man who is to join the team.

Even if the suspect confesses immediately that he is a collaborator, he is interrogated again in order to be sure. After he confesses, the details are sent to the leadership, to the public prosecutor of the Jihad. The public prosecutor, who operates from the Strip, consults with people who belong to the consultative committee of the Jihad. Every area has its own consultative committee. Together with them he decides what will be the collaborator's punishment.

The decision to kill is taken only when the collaborator confesses that he has killed Palestinians during his work with undercover soldiers, or that he has shot people, or that he has disclosed wanted men and information to the authorities, or that he has been involved in *isqat*, that is leading women astray to engage in prostitution, and men to engage in collaboration and drug-dealing. Drug dealers are also executed, even if they are not operated by the authorities, because their activities lead to the moral decline of the residents. The drug-dealer is considered to be a collaborator because by his actions he is impeding the struggle for national liberation.

## الانتفاضة في خطر فأين المظاهرات؟

في قضية العملاء ما زالت هي الشركة الكبرى التي تواجه الانقراض إلى الآن. وما زال العدد المتنامي يلعب دورا كبيرا في الحد من خطر هذه القضية.

لا بد أن يعثر الجميع أن المشاكل التي تواجه المنظمة قد بدأت تتفاقم يوماً بيوماً ، ولا يصل منها إلى الخارج إلا القليل .

[illegible][illegible][illegible][illegible]

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**Excerpt from an article which appeared in the Muslim Palestine monthly, identified with the Hamas Movement:**

It is well-known that Palestinian society is a *hamulah* (clan) based, tribe-based society, which creates social ties strong enough to contradict reality... . [For example] in another village, someone from one of the Fatah factions murders a certain man, and then the Popular Front begins campaigning to clear his name, arguing that he was not a collaborator [purely for reasons of clan ties and without clarifying the facts] ... .

The people of a particular faction murder a collaborator, but after the matter is investigated the people of that faction campaign to clear the murdered man's name... .

The problem of collaborators is the most acute problem in the Intifada today. The *hamulah* factor has an important role to play in removing the danger inherent in this problem. No *hamulah* would wish for one of its family members to be accused of collaborating, since this is a stain on the entire family. In such a case the *hamulah* will pressure the particular faction to clear his name by issuing a circular on the matter, and in this way things become even more complicated... . Relating to collaborators according to *hamulah* criteria has done the uprising no good whatsoever, and is likely to bring about its collapse.<sup>16</sup>

### 3. The Use of Torture in Interrogations

Torture and other forms of cruel, inhuman or degrading treatment are absolutely prohibited by most of the international conventions. These conventions prohibit the use of torture even in emergency or wartime situations, and also by non-governmental entities.

The **B'Tselem** investigation indicates that activists of the local cells used a great variety of interrogation methods against suspected collaborators, including injury with sharp objects, inflicting burns with hot irons, dripping boiling plastics, rubber or plastic bags onto various body parts, hanging, setting persons on fire and amputation.

Most of the cell activists who carried out these interrogations had previously been interrogated by the GSS and in the various detention facilities, and "adopted" methods they themselves had experienced including: various methods of tying up (such as the "*shabah*"), blindfolding, headcovering or "sacking," applying varying degrees of pressure to parts of the body, such as stepping on the shoulder or pulling the neck backwards, and leaving the interrogated person for many hours, tied and blindfolded.<sup>17</sup>

In testimony to **B'Tselem** on August 11, 1993 Hussein 'Awwad, commander of the Fatah Hawks cell in the Khan Yunis area, claimed that his organization did not use severe torture when interrogating suspected collaborators:

The interrogation is based more on psychological pressure, by verifying facts that we know with the collaborator. For example, we tell him that we know that he did this and that. We do not extinguish cigarettes on his body or things like that.

Nevertheless, the large body of testimony and documents we collected indicate the systematic use of severe torture during interrogation by the cells identified with the various organizations.

Salah Mahmud Salah Salaimah, a resident of Salfit (near Nablus), age 23, indicated in testimony to **B'Tselem** that on November 7, 1993 at 2 a.m., Fatah members took him for interrogation on suspicion of being involved, as a collaborator, in shooting at and wounding one of the Fatah leaders in the area. After being brought into a room in the

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17. On GSS methods of interrogation see **B'Tselem, The Interrogation of Palestinians During the Intifada: Ill-treatment, 'Moderate Physical Pressure' or Torture?**, March 1991.

house where the interrogation was carried out, he was ordered to remove his outer clothing.

They made me lie down on my belly, and tied my hands behind me with plastic handcuffs. One of the interrogators, wearing shoes, stepped on my shoulder and another one stood on my other shoulder. An additional man who was in the room bent my legs towards my back. One of the interrogators called Maher started kicking me all over my body, and asked whether I had shot at the Fatah leader. I denied it. Then more people joined in and started kicking me. These blows continued until 8:00 a.m. After that they sat me down on a chair and tied my hands behind me and tied my legs to the legs of the chair. When the interrogator asked me questions, two people stood next to me and beat me and slapped me... . Whenever the interrogator left the room, these two stayed on and continued beating me. The entire time I had my arms and legs tied and a sack over my head. This continued for three days... .

Members of the Red Eagle in Nablus, in their interrogations, dripped boiling tar onto suspects' bodies, suspended them by their feet, and cut off fingers and ears.<sup>18</sup>

In their testimony to **B'Tselem** on May 29, 1993 two Islamic Jihad activists, "Abu Qa'id" and "Abu Fayez," included the following account:

The suspect is called for interrogation. The new instructions are to use less torture during interrogations. If after the first time he does not confess, he is tied to the chair and not released until he confesses... . The serious torture will begin only after the suspect does not confess over a long period and there is much testimony about him. The torture includes: blows to the legs with firearms, being tied to a chair for many hours, blindfolding, extinguishing cigarettes on limbs, and dripping burning plastic onto parts of the body. Some of the those interrogated died under interrogation of heart attacks or from the intensity of the torture.

"Abu 'Ayid" of the Red Eagle cell in Khan Yunis testified to **B'Tselem** on May 29, 1993 (see above) that "sometimes we also use torture including long hours of interrogation, beatings, withholding food ... ."

According to an August 8, 1993 testimony to **B'Tselem**, A.H., a resident of the Tulkarem district, who was kidnapped by Fatah activists during 1988, was beaten by activists of a Fatah organization group "with a hoe handle, axes and knives" during the course of interrogation.

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18. Yizhar Be'er, "Spit Out from a People," *Ha'aretz*, May 20, 1991.



S.J., a resident of the Shabura refugee camp in the Gaza Strip, testified to **B'Tselem** on October 24, 1993, about her interrogation by Yasser Abu Samhadanah, commander of the Fatah Hawks cell in Rafah. According to her testimony, he "slapped me violently... beat me all over my body... and he hit me on my head with his pistol, until the blood flowed." S.J. testified that three days later Abu Samhadanah returned to her house and fired three shots at her legs.<sup>19</sup>

In the course of the Intifada, the Forensic Medicine Institute in Abu Kabir received at least ten bodies of Palestinians who had been lynched on suspicion of collaborating with the authorities. These people's bodies had been suspended in public locations for three or four days, until they were discovered by the security forces and sent for autopsy. According to Dr. Yehuda Hiss, director of the Institute, torture was inflicted on the victims before they were killed using various means such as knives, axes, knuckle-dusters, chains, and shoe soles. On some of the bodies there were indications of stab wounds to the eyelids, the dripping of molten plastic onto parts of the body, and cigarette burns on intimate body parts.<sup>20</sup>

Ra'ed Diriyah, a 28-year-old resident of 'Aqrabeh (Nablus District), married with one daughter, was taken from his home for interrogation on July 9, 1993 by five masked men who identified themselves as Fatah shock forces. The masked men took Diriyah to a cave near the village where he was subjected to severe torture for 22 hours. Diriyah's interrogators demanded that he admit to having collaborated, but presented him with no proof to that effect. They bound his arms and legs with a thick metal wire, producing serious wounds to his limbs, injured him using can lids, and, using a hand drill, drilled a hole in his knee into which they subsequently dripped burning plastic.

Diriyah was released from interrogation as a result of the intervention of a senior Fatah activist in the area. He was hospitalized and later fled to Jordan. **B'Tselem** has in its possession circulars signed by the Fatah organization in Nablus denouncing the interrogation and torture of Ra'ed Diriyah and declaring that the man was not a collaborator.<sup>21</sup>

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19. See complete testimony, Part C, Chapter 2.

20. Dr. Yehuda Hiss, Director of the Forensic Medicine Institute in a lecture at Tel-Aviv University on June 11, 1993; *Hadashot*, June 15, 1993.

21. Based on testimony given to **B'Tselem** by Ra'ed's father, Na'im Badawi Diriyah, and Ra'ed's brother-in-law, on January 3, 1994. Ra'ed Diriyah himself is in Jordan.



## 4. Types of Killing

This section discusses the various types of killing of suspected collaborators during the Intifada, including on-the-spot killings without preliminary proceedings, killing in the course of or at the end of interrogation, people's courts, lynching, and the killing of suspected collaborators at detention centers.

### a. Killing On-The-Spot without Interrogation

According to our findings, the most common pattern of the killing of suspected collaborators during the Intifada is that of killing on-the-spot, without interrogation or any preliminary proceedings. According to this pattern, the suspect is killed in either a premeditated or a spontaneous fashion, at home or in the street, by shooting, normally in the head, knifing, axing or using some other sharp instrument.

An example of this is the case of the killing of Haniyya 'Abd al-Karim Suissa ("Um Rami") which took place on November 23, 1989 when a **B'Tselem** investigator, Bassem 'Eid, was visiting the Nablus *qasbah* and was present at an assembly of the Black Panther. Bassem 'Eid reported the following account:

Seven men in black uniforms and kaffiyahs on their heads stood in the street. Three of them were apparently armed with pistols. One of them held a loudspeaker, and started addressing a large crowd which had gathered, speaking for about five minutes. While he was talking, a short woman, about 35-years-old, passed by me, on her way to the market. One of the masked men, leaving the group, stood in the woman's way and asked, "How many girls have you employed as whores? How many youths have you handed over to the administration?" Before the woman could utter a word, the masked man pointed his gun and fired six shots at her head. The masked man holding the loudspeaker started to shout: "We have eliminated Um Rami."

The masked men dragged the woman's body to the main street of the *qasbah*, and hordes of residents began flocking to the site. They began kicking her head, spitting at her, throwing stones at her, and beating her with iron bars. The army came only half an hour later, and the crowd dispersed.

Jabar Hawash, age 17, was a member of the Red Eagle cell which operated in the Nablus area in 1988 and 1989. Hawash personally killed at least six people in the Nablus area for suspected collaboration. Following is an extract from an interview with him aired on December 1, 1989, as part of a write-up by Victor Nehemias for the Israeli television program *Yoman Iruim*:

Question: Give me an example of someone whom you chose to murder.

Answer: Um Barakat.

Question: Let us see how you carried out the operation. Did you go to her on your own?

Answer: No, there was somebody with me. I said to him, "We will kill Um Barakat in such and such a manner." He said, "Why not." We went to her home. I went up onto the roof and opened the door facing onto the street. We went inside. I banged on the door, she woke up... . She came downstairs with us. I took her to the street, I tied her. I bound her hands, covered her eyes, and gave her blows on the head with an ax.

During the interview, Jabar Hawash confessed to the killings of further residents in this fashion, including 'Izzam Karim, who was kidnapped from his home on April 24, 1989 by Hawash and another cell member. They took Karim, bound and blindfolded, to an abandoned house in Nablus, where they assaulted him, smashed his skull and ran him through with swords. On June 29, 1989 Hawash, together with his partner Hani Tayyim, killed Sa'id Shaqer, after the latter refused to comply with their demand that he accompany them to be interrogated. The victim's wife screamed for help, and Tayyim took out his pistol and fired two bullets at Shaqer.

On July 6, 1989 Hawash, together with his partners Hani Tayyim and 'Imad Nasser, killed Hamad Mahmud a-Shtayah, *mukhtar* of the village of Salem. On the day of the incident, the three men, wearing masks, entered a-Shtayah's shop in the Nablus *qasbah*. Tayyim took out a pistol and fired a single shot into the *mukhtar's* head. After the incident the Fatah organization issued a circular proclaiming the slain man a *shahid* (martyr). On December 3, 1993, Ahmad a-Shtayah, the *mukhtar's* son, told **B'Tselem** that following the incident he had left for Tunis, where he met with 'Arafat who made it clear that in his view a-Shtayah was not considered a collaborator by the PLO, and that the organization had not ordered his killing.

'A.Q., from the Fatah Hawks in Khan Yunis, on October 2, 1993, described to a **B'Tselem** fieldworker the killing of Warda a-Safriyah, resident of Khan Yunis refugee camp, who was suspected of carrying



*Bassmah Barakat:  
Beaten to death by Fatah  
activists during her seventh  
month of pregnancy.*

out *isqat* in her sewing factory. According to 'A.Q., he surprised a-Safriyah at home where she was spending the evening with a man who was not her husband. In his testimony he stated, *inter alia*:

I couldn't restrain myself... I began hitting her on the head with my dagger... I went wild again... I kept hitting her on the head with the dagger. I hit her six times. She bled a lot... The following morning I was informed that she had died. The organization summoned us for a talk, because the organization's decision had been not to kill her. We told the central committee of the organization what had passed, and they said we were justified. On the same day, May 6, 1989, slogans were written on the walls and on the mosques that the Fatah organization took responsibility for her elimination.<sup>22</sup>

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22. See complete testimony, Part B, Chapter 6.

## **b. Killing in the Course of or at the End of Interrogation**

Another frequent pattern of killing suspected collaborators is their slaying during or at the end of interrogation, when the interrogators decide on a death sentence, or when the person interrogated dies from torture, breathing problems, heart attack, or other causes related to the interrogation.

The suspect is generally kidnapped from his home or the street, or is tricked into coming to the place where he is to be interrogated. In the West Bank many of the interrogations take place in hillside caves, and in the Gaza Strip in houses or orchards. In the course of the interrogation cell members make much use of blows or torture of differing degrees of intensity (Part C, Chapter 3).

The interrogators' approach to those who have confessed to collaboration has changed over the course of the Intifada. In the first year of the uprising cell members generally warned the person being interrogated to stop collaborating, and then released him. As of the middle of the second year, the fate of an individual who confessed to collaboration was generally death. (On changes in the organizations' positions see Part D.)

On August 25, 1990, Qaher Mahmud 'Awwad 'Odeh, age 24, the son of the *mukhtar* of Qusrah village in the Nablus District, was killed by masked men from the Fatah. According to an investigation carried out by **B'Tselem** in the village in August 1993, it appears that 'Odeh was brought by his kidnappers to a cave in the mountains, where he was interrogated and beaten for hours on grounds that he had passed information to the GSS, set cars of village residents on fire, and conducted homosexual relations with young men from the village. In the middle of the interrogation 'Odeh's interrogators left the cave to have a rest, leaving him tied-up inside. When they returned, they found him dead.

## **c. "People's Trials"**

During the Intifada dozens of public executions took place in the refugee camps in the Gaza Strip, following the formula of a "people's trial." In the West Bank there were only a few isolated incidents of this type, primarily in the Nablus *qasbah*.

The suspected collaborator was brought to a central location, normally a square or similar forum, with spectators present, and there his "confessions" were read out or questions about his collaboration were addressed to him. After that, if a death sentence was decided upon, it was carried out by means of beating, axes and knives, or shooting. Sometimes the onlooking public was invited to pass sentence, and sometimes the spectators on their own initiative encouraged the "judges" to execute the suspect.

Yusef Kamel al-Hawash, age 35, resident of the Nusseirat refugee camp, was interrogated and sustained injuries during such a people's trial at the beginning of November 1990. He died on November 8, 1990. Al-Hawash, married and the father of six, owned a carburetor repair shop. He was accused of collaboration, apparently because of his close ties with Nabil Khadra, who was known in the area as an armed collaborator and as a go-between who in exchange for pay would obtain various licenses and permits for the local residents.

On the day of the incident, a group of masked men, called the Red Prince (after the *nom de guerre* of 'Ali Hassan Salamah, a Fatah commander, who was killed in 1973 in an IDF raid on Beirut), belonging to the Fatah, came and took Yusef al-Hawash to a busy square in the Dawar area. Aiman Muhammad Isma'il Habash, a resident of the Nusseirat refugee camp, who witnessed what happened, told **B'Tselem** on August 11, 1993:

After much effort, I got myself a good spot for viewing and I witnessed the entire goings-on. The masked men interrogated Yusef in front of the entire crowd and the exchange was as follows:

- Admit you are an agent.
- I am not an agent.
- Why did you associate with Nabil Abu Khadra?
- Nabil is my neighbor!
- Did you smoke drugs with him?
- We all smoked before the Intifada.
- Admit you are an agent!
- If I were an agent I would kill myself.

Meanwhile Hawash's wife and small children had arrived on the scene. His wife burst through the circle of people around him and began to weep and beg, but her voice could not be heard in the din made by the crowd. The cell that was interrogating Hawash consisted of six men. Four of them were involved in the

interrogation, and two prevented the weeping woman from approaching him. Afterwards one of the masked men attacked Hawash from behind, kicking him in the back and striking him with an ax. After that the group left him, and its members went off to write on the walls that they were responsible for the attack on the "agent" Yusef al-Hawash. Very soon the people who had stood around and watched what had happened in the square dispersed.

Hawash's wife and children took him to Shifa hospital in Gaza. Four days later, he was discharged for subsequent treatment at home.

According to Aiman Habash:

During the period of hospitalization and convalescence he was visited by friends and neighbors, who came to comfort him and wish him well. But Yusef refused to eat or drink, or even to take any medication. His friends tried to convince him to change his position, but he replied, weeping and sometimes shouting: "I want to die... How can I go out into the streets and see people? I am not an agent." He kept swearing with all manner of oaths that he was not a collaborator. Dr. Jihad Hamad was called several times to check on Yusef's condition, and tried to change his mind about dying, but in vain. He was also visited by a doctor and a pharmacist from the UNRWA clinic, and they begged him to take his medication or to allow them to give him something to drink, but he refused and said that he preferred to die rather than to meet people or to look them in the eye. His condition deteriorated, and after five days at home, he died of cardiac arrest.

The members of the al-Hawash family were utterly convinced of Yusef's innocence, and they were determined to prove it. The family established all possible contacts in order to clear his name. Hawash's widow even went to 'Amman, but her efforts to obtain a document confirming his innocence were unsuccessful. The family also contacted several senior members of the Fatah Hawks, who expressed their belief in his innocence, but claimed that they could not issue an official document of vindication.

'Abd al-M'oti 'Abd a-Rahman Yusef al-'Amis, a 29-year-old Rafah resident, also died following a people's trial. In the morning of October 10, 1992, al-'Amis was taken by four masked men to a narrow alley in the Shati refugee camp, and a large number of residents began to gather round. According to the September 4, 1993 testimony taken by **B'Tselem** from M.T., a Shati resident who was present, the masked men accused al-'Amis of helping the army and informing on his friends, but he denied it all. The cell members began to beat him and demanded that he confess, but he denied the charges. The masked men continued



to aim ax blows at his head, until he died. The cell members fled the scene after placing a plastic cover over the dead man's head.

#### d. Lynching

Several times, primarily at the beginning of the Intifada, hundreds of residents participated in the lynching of armed, open and known collaborators. One of the first killings of a suspected collaborator to take place during the Intifada was an incident of this type: Muhammad 'Ayid Zakarnah, a resident of Qabatia in the Jenin District, approximately 40 years of age, was known to be an armed veteran collaborator.<sup>23</sup> On February 24, 1988, hundreds of the town's residents, who were taking part in a procession being held that day, surrounded Zakarnah's home and threw stones and firebombs at the house. Zakarnah barricaded himself inside the house and began to shoot at the crowd from inside, using a weapon he was licensed to carry. The shots that he fired killed four-year-old Muhammad al-Kamiel and wounded 13 residents, one of them seriously. The crowd continued attacking the house and shouting "death to the traitor." Around five in the afternoon, when Zakarnah ran out of ammunition, some of the residents, who had managed to break into the house, dragged Zakarnah outside, strangled him, hung his body on the electricity pole and set his house on fire. The entire incident continued for over four hours. The whole time IDF forces remained outside the town.

Immediately after the lynching, the security forces initiated a punitive operation, during which over one hundred residents were arrested. The houses of two suspects were demolished, and collective punishments were imposed on the town's residents, including a ban on marketing agricultural produce.<sup>24</sup>

Hussam Zakarnah, the son of Zakarnah's sister and an eyewitness to the incident, told **B'Tselem** on June 28, 1992:

That day there was a procession in the town, in which practically all the residents took part. Some three or four thousand people participated. During the procession the people started throwing stones at the house. My uncle was asleep at the time. He woke

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23. According to testimony of the Zakarnah family to **B'Tselem** on June 28, 1992, Muhammad Zakarnah had been a collaborator since 1969.

24. Based on **B'Tselem** testimony taken in the town on June 28, 1992, as well as *Ha'aretz*, *Yediot Aharonot*, *Hadashot*, *Ma'ariv*, and *Davar*, of February 25, 1988.



up and wanted to drive the people away and frighten them by shooting with his pistol. He fired two or three shots into the air. A four-year-old child, who was standing opposite, in the doorway of his house, two hundred meters away, was shot in the head and died.

About the actual lynching, a Qabatia resident who took part in the events gave the *Ma'ariv* newspaper the following account:

Thousands came to 'Ayid Zakarnah's house, and then he started shooting like a madman. We began throwing firebombs at the house, everything we had. People screamed: "Come out, you traitor, and we'll butcher you." At 5:00 people entered the house, and then the bastard stopped shooting. Somebody cracked his head open with an ax. After that they dragged the body out and hanged it, so that everyone would learn not to collaborate. We hung PLO flags round the body. After that we set fire to the house. It was a wonderful sight. The house in flames, and that asshole bastard hanging there like a slaughtered chicken. We brought the children to see, and everyone sang songs about Palestine.<sup>25</sup>

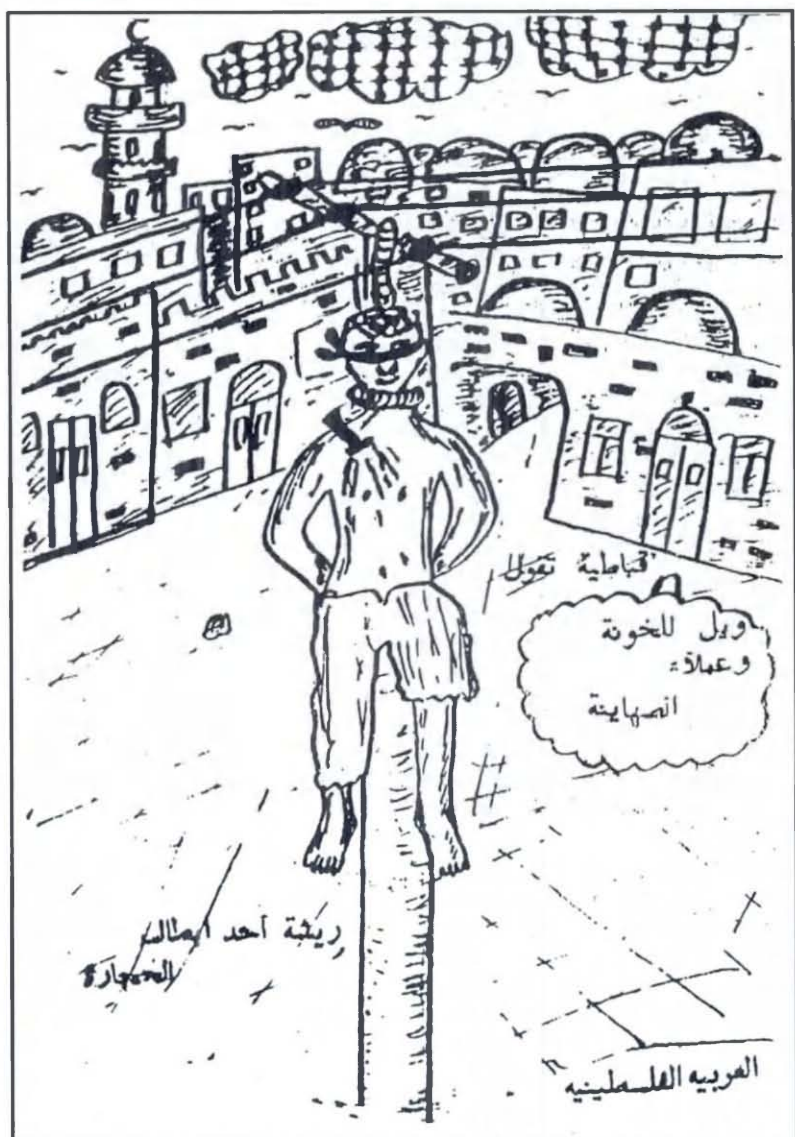
Michael Braunstein of the CNN television network, who together with his team arrived in the village during the afternoon, gives his version: "We reached the village at 5:30 in the afternoon, we saw this man hanging on a pole. He was surrounded by some one thousand excited people. The hanged man's face was utterly blackened and his body was full of signs of brutal treatment."

Mustafa Abu Bakr, *mukhtar* of Bidya, was also murdered by a lynch mob, on October 6, 1988. Abu Bakr was stoned and shot while sitting in his car. Dozens of Bidya residents surrounded his car and set fire to it, with the body still inside. (For more on Abu Bakr see Part B, Chapter 3.)

On August 20, 1993 a lynch was carried out against Ashraf 'Abd al-Fatah al-Gharbali, a 25-year-old bachelor residing in the Shabura neighborhood of Rafah. According to a Shabura resident's testimony to **B'Tselem**, al-Gharbali came to Shabura on August 25, 1990, in order to visit his family. A cell of masked men (the Rafiq a-Salamah cell) surrounded his house and after a siege lasting several hours, accompanied by shooting, he was caught, severely beaten, and lynched by a crowd of the camp residents. (On this case see Part E, Chapter 2).

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25. *Ma'ariv*, February 26, 1988.



Drawing of "one of the stone heros" after the lynch at Qabatia: "Qabatia says: 'Woe to the traitors and to those who collaborate with the Zionists'."

## e. Killings at Detention Facilities

Since the beginning of the Intifada, according to **B'Tselem's** data, 44 Palestinian prisoners and detainees have been killed at military, police and Prison Service detention centers by other prisoners, on suspicion of collaboration.

The Palestinian detainees and prisoners normally organize themselves at the detention centers according to their organizational affiliation. In this setting every organization is responsible, among other things, for assuring the well-being and safety of its members and for protecting them from other prisoners who wish to harm them. At many detention centers the Palestinian organizations have also established mechanisms designed to locate collaborators among the prisoners, to interrogate them, and to take measures against them. Every new prisoner who comes to the facility is required to declare to which organization he belongs and to report on the circumstances of his arrest. Prisoners suspected of collaboration have also included people who belonged to these mechanisms.<sup>26</sup>

One prisoner who survived an attempt on his life has given an account of the decision-making and execution procedure in detention centers. He reported that the names of suspected collaborators are normally received from sources outside the facility, on minute notes smuggled into the center by visitors. When the suspect's name is received, a meeting is held of a committee consisting of three or four inmates, who decide whether he is to be interrogated. The committee's decision is recorded on a sheet of paper. The paper is tied to a stone which is thrown into the wing where the suspect is held. The next stage is to extract a confession from the suspect, normally through torture. The suspect generally also suffers from abuse by the other inmates in the wing. On Friday, after prayers, the committee meets and decides on the sentence and how it is to be implemented: strangulation using a towel or bare hands, blows to the head with the fists, or a severe beating of the entire body. After the execution is carried out, the body is left outside the tent, and one of the inmates accepts responsibility for the deed *vis-a-vis* the prison authorities. Normally this will be a man who is inside for a long time.<sup>27</sup>

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26. From the testimony of B.J., a former member of the Command, it appears that the Struggle Committee at Megiddo Jail, for example, included members who were collaborators.

27. Ibid.

On June 27, 1988 'Ali Rashid Hijazi al-Qassas, a 30-year-old construction worker, resident of the Nusseirat refugee camp, married with three children, was killed in the Ketziot Detention Center in the Negev. Al-Qassas was arrested on October 7, 1987 on suspicion of belonging to the Islamic Jihad Movement and possession of firearms, and was convicted, and sentenced to two and a half years' imprisonment.

After 18 months in jail al-Qassas was interrogated by inmates, fellow members of the Islamic Jihad, on suspicion of being a collaborator. The suspicions were based on the confession of Muhammad Abu Jalala, who was also interrogated by inmates on suspicion of collaborating, and murdered in Ketziot on November 7, 1987. Al-Qassas was severely beaten by his interrogators, and died from internal hemorrhaging. As far as is known, during his interrogation al-Qassas did not admit to the charges.

Muhammad al-Qassas, the murdered man's brother, told **B'Tselem** on August 25, 1993, that friends from other organizations stressed that 'Ali had not admitted to collaborating. The brother added that the army postponed the time for collecting the body until 11:00 p.m., and imposed a curfew on the Nusseirat refugee camp immediately when it was handed over. The funeral was held in accordance with stringent security procedures, since al-Qassas was known as a national figure and there was some apprehension that there would be violent reactions during the funeral. "This shows very clearly how popular 'Ali was and what his standing with the people was," his brother said.

Al-Qassas' family members further conveyed to **B'Tselem** that after the curfew was lifted, the Islamic Jihad Movement issued a circular emphasizing al-Qassas's links with the authorities. Slogans written on the walls in the name of Hamas eulogized al-Qassas as somebody who belonged to the Movement, and accused the group which interrogated and killed him of collaboration.

According to members of the family, the Hamas demanded that the Islamic Jihad interrogate those responsible for al-Qassas's death. Such an interrogation was indeed held, following which the Islamic Jihad executed three Palestinian activists. Fathi a-Shaqiqi, one of the Islamic Jihad leaders, even sent a letter to the organization's imprisoned members, insisting that they acknowledge the organization's error in the killing, and demanding that al-Qassas' and his family's name be cleared, and that his family be compensated including a lifelong monthly stipend for his children.

On August 5, 1989 an attack was made on Ziyad Muhammad, age 28, a resident of the Sabra neighborhood of Gaza and detainee at the

Ketziot detention center. Other inmates forced him to drink water containing floor detergent chemicals, after suspicion of collaboration had arisen. One of the prisoners held his nostrils shut, and when he tried to breathe through his mouth, the substance entered his lungs and he died.<sup>28</sup>

**B'Tselem** is aware of at least one case of the killing of a prisoner suspected of collaboration, after his release from jail. Muhin a-Numra Abu Shaqfa, age 28, a resident of the Sheikh Radwan neighborhood, was killed in Gaza City on September 24, 1992.<sup>29</sup>

Abu Shaqfa was a bachelor, and worked as a tailor in a sewing workshop in Gaza. At the beginning of the Intifada he was arrested and held in the Nusseirat detention center. Rumors circulated that his fellow inmates had suspected him of collaboration, but had not interrogated him. During the Intifada Abu Shaqfa was again arrested, and transferred to Ketziot. This time the Fatah security apparatus interrogated him. After he had been severely beaten under interrogation, Abu Shaqfa apparently admitted to collaborating and handing over information about his fellow inmates.

Several days later Abu Shaqfa escaped from detention and gave himself up to the detention camp administration. He was moved to the cells for "birds" (see Part B, Chapter 2). After his release he sought to repent, and declared in the mosque of the Shati camp that he felt remorse. Over the mosque's loudspeakers he proclaimed that he had fallen victim to the GSS and collaborated with them, but that he now regretted this and asked for the forgiveness of God and the people, and promised not to repeat the deed.<sup>30</sup>

On September 24, 1992 two men from the Fatah Eagles group kidnapped Abu Shaqfa and brought him to the courtyard that served as a parking lot in the Shati camp. He was removed from the car with his legs and arms bound with rope. He refused to sit down. One of those tormenting him, 'Ahad al-Habat, who was unmasked, felled him with a blow. He then pointed a gun at his head and said: "You are going to die, pray." Abu Shaqfa begged, "No, 'Ahad, I don't want to die," and al-Habat shot and killed him. After that the crowd of spectators began to chant, "'Ahad is an Eagle."

After that graffiti appeared proclaiming that the Fatah Eagles were responsible for the act. Abu Shaqfa's body remained in the parking lot,

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28. Boaz Ganor, "Fair Trial in the Territories - Murder of Collaborators," in *Matarah* (Target), Journal of Security Issues, No. 22, 1991 (Hebrew).

29. Description of the incident based on the testimony given to **B'Tselem** on September 3, 1993 by T.Y., a resident of the Shati refugee camp.

30. *Ibid.*



and people came to see it, until his father came and began to shout at those present and to curse them. He picked up his son's body and carried it to the car.

The only woman killed in a detention center during the Intifada on suspicion of collaborating was Shifa al-Maqui, age 17, from the village of Bet 'Ula in the Hebron area. Al-Maqui was arrested by the police after running away to Israel with a friend, Mussa al-Khatib, an open and well-known police agent. Because she was afraid to return home, she threw an empty bottle at an Israeli car, an action that led to her arrest.<sup>31</sup>

On September 16, 1991 she was strangled in her detention cell at the Russian Compound in Jerusalem by a woman detainee named Mai Walid Rassin, age 20, from the town of Betunia near Ramallah. Rassin, held on charges of stabbing a tourist in Jerusalem, suspected al-Maqui of collaboration. She dissolved medication that she was taking in a glass of water and gave it to al-Maqui to drink. Al-Maqui fell asleep under the influence of the medication, whereupon Rassin used a blanket to suffocate her. She said that no other women detainees were involved in what happened.<sup>32</sup>



*Mussa al-Khatib:  
Police agent, friend of  
al-Maqui*



*Shifa al-Maqui:  
Accompanied her  
friend al-Khatib on a  
trip to Israel*



*Mai Walid Rassin:  
Strangled al-Maqui on  
suspicion of  
collaboration*

31. Roli Rosen, *Kol Ha'ir*, September 27, 1991; Yoram Binor, *Hadashot*, September 25, 1991.

32. Attorney Jawad Bulus, Rassin's lawyer, argued that she suffered from epilepsy and that "there was no understanding of her illness in the circles from which she came. They thought that she was deranged. She stabbed the tourist in order to prove that she was healthy and supported the national consensus." *Kol Ha'ir*, *ibid*.

## 5. Forms of Punishment other than Killing

As part of their struggle against suspected collaborators during the Intifada, activists in the Palestinian organizations also made use of forms of punishment other than killing. Cell members involved in punishing suspected collaborators told **B'Tselem** that the decision to apply one method rather than another was determined by the seriousness of the actions ascribed to the suspect. In imposing the punishment they said that they also took account of the suspect's willingness to repent.

### a. Stigmatizing (*tashwih*) and Social Ostracism

Stigmatizing is achieved by publicizing the fact that an individual is a collaborator, and by writing his name and the accusations against him on the walls of buildings or at the entrances to mosques, as well as in local circulars. The aim of publication is to ostracize the suspect. This method is used primarily *vis-a-vis* suspects the charges against whom are relatively minor, such as an individual suspected of drug use or other criminal offenses, and not against an individual who is suspected of being employed as a collaborator by the security forces.

### b. Corporal Punishment

Corporal punishment of suspected collaborators includes shooting in the legs, breaking limbs, and slashing the face using axes, kitchen knives or razor blades. Frequently the punishment is carried out in public, in order to deter others from behaving in a similar fashion. Testimony to **B'Tselem** indicates that the use of corporal punishment has been very common during the Intifada, primarily in the Gaza Strip.

The most lenient punishment, the breaking of bones, is decided on in cases where the collaborator has had extra-marital sexual relations, [or] courts women in an unethical manner, such as by writing immodest letters. The explanation for this is that their immoral activities divert their attention from the only activities



that should be of interest to the Palestinian people, that is national liberation.

### c. House Arrest (*iqamah jabrayyah*)

House arrest consists of instructing the suspect not to leave his house for a set period, and is intended to isolate him from his surroundings and to prevent him from continuing his activities. House arrest is generally imposed on an individual who the organizations' activists think should be allowed the chance to retribute himself. Flouting house-arrest instructions exposes the suspect to other punishments, including killing.

Abu Qa'id (see above) said in his testimony, *inter alia*, that house arrest, a sentence given for a minimum of four months, is considered a worse punishment than bodily harm:

A decision of house arrest is taken when it involves people who are involved in drugs, who are keeping tabs on wanted men, or who incite the various *hamulahs* against each other. I am not talking about drug-dealers, who are normally collaborators whom the authorities send out with the aim of diverting people from engaging in nationalistic sabotage activities by influencing them to be drug addicts. My organization, for example, gives money to drug addicts to undergo detoxification in Egypt.

In his testimony of August 11, 1993, Hussein 'Awwad stated:

Those who are not in contact with the authorities are put under house arrest, according to the family situation. For example, a father of many children does not have his movement restricted. It also depends to what extent we believe that we can reform him.

Yusef al-'Arjani, the Fatah-Hawks commander in the Rafah area, described house arrest in his testimony to **B'Tselem** on August 12, 1993:

In Rafah there is a woman called L.A., age 35, married with three children. I interrogated her three days ago, on August 9, 1993, and she confessed that she was involved in prostitution and gave the names of more than thirty men with whom she had sexual relations. The punishment that I imposed on her was house arrest for six months. During this period she remains inside the house, and we keep tabs on her.

Testimony given to **B'Tselem** shows that all the Palestinian organizations involved in punishing suspected collaborators make use, in addition to killing, of the methods referred to above.

A., one of the senior Fatah cell commanders in the territories, told **B'Tselem** that the form of punishment was determined as the cells themselves saw fit. The Fatah Hawks commanders in Khan Yunis and Rafah told **B'Tselem** that their cells tend to impose house arrest or corporal punishment, such as breaking bones and shooting in the legs, on suspects who are not in direct contact with the authorities or who are not considered particularly dangerous.

Despite the cell members' claims that the method of punishment is determined according to the seriousness of the act, we did not discern consistency in the choice of methods of punishment. Dozens of Palestinians who were suspected of collaboration for immoral behavior, for example, were killed, while in other cases, in which there were similar suspicions, the suspects were punished by such methods as shooting at the legs or house arrest.

## 6. Coordinating Information about Suspects

Local cell members identified with the Fatah organization claimed to **B'Tselem** that one of the main sources of information about suspected collaborators is the confessions of suspects who provide the names of other suspects. The cell members also indicated that Intifada activists carry out constant surveillance activities which include reporting on people who are seen leaving Israeli buildings, such as police stations and the Civil Administration, at late hours. An additional source is released Palestinian detainees and prisoners who report on suspected collaborators based on information gathered inside the detention centers.

In August-September 1993, **B'Tselem** was shown, in hiding places concealed in Rafah and Khan Yunis, archives of the Fatah Hawks groups, containing hundreds of files on suspected collaborators. The group's members explained that the archival material is kept in a number of hiding places so that if discovered, the entire archive will not be lost.

The archives that were shown to **B'Tselem** included data about suspected collaborators covering the period from the beginning of the Intifada to the present, consisting of thousands of notebooks, arranged alphabetically and by date of interrogation. A file is opened on every suspect interrogated, with the first page listing the suspicions against him as well as other information collected by the Revolutionary Security Apparatus (see p.113). The second page indicates the date of interrogation, the interrogator's identity, the suspicions against the suspect, and his confessions. Sometimes, following this, the sentence passed on the suspect appears. The archives document the imposition, among other things, of death sentences, house arrest and the breaking of bones. Despite claims to the contrary, **B'Tselem's** impression from its visit to the archives is that the material collected is scanty, not detailed, and insufficient considering the grave charges attributed to the suspects.

Apart from the written records, members of the cells not infrequently document interrogations using a tape or video recorder. Sometimes the organizations circulate filmed confessions obtained in the course of their interrogations, in order to show the public the suspect's guilt. In 1993, Fatah Hawks members in the Gaza Strip sold copies of a video film of

Sahaba Karim, a woman resident of Gaza, in which she confessed to collaborating with the GSS and having extramarital sexual relations with a large number of men. Thousands of such video tapes were acquired by the residents, at a cost of NIS 15 per tape.<sup>33</sup>

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33. In testimony to **B'Tselem**, one of the Fatah activists in the Gaza Strip claimed that distribution of the video tape was related to a dispute between the Fatah and the Hamas, given the interrogated woman's words on the tape according to which she had had sex with a man identified with the Hamas.

## 7. Repentance

Circulars of the Unified National Command and written and oral statements of Palestinian organizations' activists show that during the Intifada, attempts were made to warn suspected collaborators and to persuade them to repent. These warnings were administered in a number of ways, some of them violent: writing slogans on the walls; broadcasting warnings over the public address system at mosques; mentioning names in circulars; sending a personal letter of warning; attacking a car or some other property belonging to the suspect; and beating.

On February 22, 1988, hundreds of residents of the village of Yamun, in the Jenin area, attacked the houses of inhabitants known as collaborators. The attackers shouted slogans and threw stones at the houses. A number of suspects who heeded the call to repent during or following the incident, were forgiven and also handed over their weapons. Following the incident, two members of the village council, who had been appointed by the Civil Administration in Jenin, resigned, and one fled.<sup>34</sup> A similar phenomenon occurred two days later in the neighboring village of Silat al-Harhiyya, and in the subsequent period in other localities.

The PLO and the Unified National Command welcomed the initiatives encouraging repentance.<sup>35</sup> Circular No. 11 by the Unified National Command, dated March 19, 1988, proclaimed a day of repentance which would give "all those who are flouting the will of their people the opportunity to repent and cease hostile acts against their people." Circular No. 44 of the Unified National Command, dated August 15, 1989, called "not to eliminate even one agent without an explicit decision by the supreme leadership, or without the existence of a national consensus against him, and without giving him prior warning and allowing him the opportunity to repent." Circular No. 45, from September 1989, stated that "one must act slowly to be sure (of the guilt) before hasty sentencing. The most senior, experienced circles must be contacted prior to carrying out sentence and before sending

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34. According to the testimony of 'Ahmad Ziud, a Silat al-Harhiyya resident, to B'Tselem, on April 20, 1989, the Palestinian Uprising Facts Information Committee, Jerusalem, and other sources.

35. See the article by Akram Haniyyah, deported from the territories, at the time advisor to Abu Jihad on territories matters, in the weekly *Al-Yom a-Sab'a* (issued in Paris), March 18, 1988.

warnings and threatening letters. In addition, the opportunity for repentance must be given, and the path of rehabilitation and surveillance is to be followed, this being the first choice before punishment." Circular No. 46, issued at the end of September 1989, called to "continue to track down agents and restrain their sabotage activities through education and without carrying out executions, except in cases where there is a national consensus and after consultation with the top circles."

In a testimony to **B'Tselem** on August 11, 1993, Hussein 'Awwad, commander of the Fatah Hawks in the Khan Yunis area, stated:

In any case we check the suspect's sociological and mental background, to see whether or not it is possible that he might repent. We only require that collaborators who are known to the public and who have repented should make a proclamation to this effect over the loudspeaker. We allow undercover collaborators to remain anonymous.

"Abu 'Ayid," member of the Red Eagle cell identified with the Popular Front in Khan Yunis, said in testimony to **B'Tselem** on May 29, 1993:

If the collaborator is not dangerous, in other words is not the sort of person who has killed people and so on, we order him to stay away from the business and give him an opportunity of around a month to repent. We keep him under close surveillance. Many people who were not dangerous collaborators have repented after interrogation. We have given these people notes that they are clean, notes signed by the Red Eagle.

Yusef al-'Arjani, resident of 'Araibeh in Rafah and commander of the Fatah Hawks in Rafah, said in his testimony to **B'Tselem** on August 12, 1993, that repentance only relates to moral offenses (such as extra-marital sexual relations), and only if the suspect has absolutely no connection with the authorities:

One of the heads of family is approached, we tell him what we know about his family member, and explain to him how he must be treated in order that he repent. We do not obligate every collaborator who repented to publicly declare so at the mosque – that is required only of someone known by the entire society. But we do not require undercover collaborators [to do so] since that would ruin their reputation.

At a certain stage the phenomenon of repentance came to a practically complete stop. One possible reason for this is that in cases where people had repented, they were nevertheless killed.<sup>36</sup> In addition, the

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36. Testimony to this effect was given by collaborator 'A.H. and others to **B'Tselem** on August 4, 1993.



suspicion arose – as a result of the arrests carried out during that period, and it would appear also on the basis of information provided by collaborators – that the cases of repentance were merely superficial.

At the end of November 1993, the subject of repentance once again came to the forefront when the Hamas announced that it was suspending the killing of suspected collaborators for two months, during which period suspects would be given the opportunity to repent.<sup>37</sup> Nevertheless, the killings continued.

### **a. Suspected Collaborators' Attempts to Clear their Name by Attacking Israelis**

During the Intifada a number of attacks on Israelis were carried out by collaborators or suspected collaborators, apparently in an attempt to purify their reputations, and as an extreme act of repentance.

Muhammad 'A., a resident of a village in the Qalqilyah area, who was forced, he claimed, to collaborate with the GSS during his stay in a detention center, repented after his release from jail and decided not to collaborate. In testimony he gave to **B'Tselem** on December 16, 1992, he said that the GSS threatened that if he did not fulfill his undertaking, they would make known in circulars his agreement to collaborate with them. According to Muhammad 'A., as a result of his terror that the threat would be carried out, he was considering attacking Israelis in order to protect his name. (See extracts from his testimony, Part A. Chapter 3).

On January 3, 1993, Maher Hamzeh Abu Sarur, resident of 'Aidah refugee camp near Bethlehem, killed Haim Nahmani, his GSS operator, in an apartment in Jerusalem's Rehavia neighborhood.<sup>38</sup> Abu Sarur's relatives claimed, in a conversation with **B'Tselem**, that Nahmani pressured Abu Sarur to collaborate, and threatened him during a long period of detention. According to the family, these pressures as well as Abu Sarur's attempt to clear his name of the suspicion that he was a collaborator were the motives for his deed.

On October 20, 1989 seven people who had been strangled were discovered in two apartments in Tel Aviv. The murder suspect, Muhammad Halabi, a resident of Jabalya, claimed in court that he had

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37. Israel Television, *Mabat* news program, November 18, 1993; *Kol Ha'Ir*, December 24, 1993.

38. Two cases are known to have occurred prior to the Intifada in which Palestinian agents killed GSS men. In June 1980 Moshe Golan was killed in Netanyah, and in October 1987 Victor Arjun was killed in Gaza.

carried out the murders both because of inspiration from the Hamas, and in an attempt "to reform." Tel Aviv Police Central Unit investigators considered that the motive for the incident was primarily criminal, and that Halabi, who was a pimp and a drug user known as an accomplice of the security force (*sayan*), was also at loggerheads with some of those murdered. The press quoted a military source who confirmed that the strike forces in Jabalya had passed a death sentence on Halabi, both because he was a *sayan*, and because he was involved in a quarrel with three families there, who claimed that he had dishonored them and tried to corrupt a seventeen-year-old girl to engage in prostitution. As a result, Halabi and the members of his family were forced to flee Jabalya.<sup>39</sup>



*Maher Abu Sarur:  
Killed Haim Nahmani,  
his GSS operator*

In the press it was reported that Jamil Isma'il al-Baz, a taxi driver who lived in the Gaza Strip, claimed that he ran over and killed soldier Nadav Ro'i at the Nitzanim Junction on July 19, 1991, in an attempt to clear his name in the camp in which he lived, where he was suspected of collaboration.<sup>40</sup>

On July 10, 1992 Ibrahim Salah, a resident of the village of al-Hadar, was found guilty of murdering Professor Menachem Stern in Jerusalem. On June 22, 1989, village residents told the *Hadashot* newspaper that Salah was known as a collaborator with the GSS, as a land dealer and as a middleman who worked together with the Civil Administration, and that he had carried out attacks on Israelis in order to prove that he had repented.<sup>41</sup>

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39. *Ma'ariv*, *Yediot Aharonot*, November 20, 1989.

40. David Regev, *Yediot Aharonot*, July 22, 1991.

41. Yoram Binor, *Hadashot*, March 6, 1992.

## **8. The Nusseirat Refugee Camp: Investigation of Attacks on Suspected Collaborators**

This chapter will present data on the attacks on suspected collaborators carried out on Palestinians in the Nusseirat refugee camp in the Gaza Strip, from the beginning of the Intifada to the end of September 1993. The attitude of the Palestinian organizations' activists to suspected collaborators in Nusseirat is neither exceptional nor specific to this camp. It is precisely for this reason that we have chosen this example to illustrate the operating patterns which occurred in a similar fashion elsewhere, primarily in refugee camps in the Gaza Strip.

The Nusseirat refugee camp is located in the middle of the Gaza Strip. According to UNRWA figures, some 38,000 inhabitants live in this camp. During the Intifada, the local organizations in the camp tried to impose a form of people's justice on suspected collaborators. A large number of suspects were brought to an open space in the camp termed by residents "Red Square," because of the large number of executions which took place there (in other refugee camps in the Gaza Strip there are other locations called "Red Square," for similar reasons). There the suspects were put through a public "trial," at the end of which they were executed or beaten. In none of the cases that we investigated was there a procedure which in any way, even approximately, approached that of a fair trial where the accused is given an opportunity to defend himself and to present his arguments. The suspects were given no opportunity to present proof of their innocence, or to be represented by a third party.

The investigation indicates that during the period surveyed, there were at least 121 instances of punishment of Palestinians by activists of the various organizations, on the pretext of suspected collaboration. The types of punishment included killing, the breaking of limbs, injuries by shooting, beatings, and house arrest. During this period, a total of 31 of Nusseirat's residents were killed for suspected collaboration.

### **a. Breakdown of Suspicions leading to the Imposition of Punishments:**

<b>Suspicion</b>	<b>Number of Cases</b>
Providing intelligence information to the authorities	45
Combined suspicion (providing information and moral offenses)	19
Drugs (dealing or using)	17
Other criminal offenses	8
Moral offenses (women)	7
Homosexuality	2
Refusal to resign from the police	1
Social and family problems	11
Inter-organizational disputes	8
Unknown	3
<b>Total</b>	<b>121</b>

The investigation shows that only in 64 cases (some 53% of all the cases of attacks) was the person suspected of providing direct assistance to security circles (including combined suspicions). Over half of the attacks involved suspicions related to social, moral and criminal issues.

### **b. Breakdown of Punitive Actions by Organizational Affiliation of the Perpetrators**

<b>Organization</b>	<b>Number of Cases</b>
Fatah	59
Popular Front	41
Hamas	15
Abu Nidal	2
Unknown	4
<b>Total</b>	<b>121</b>

Most of the punitive operations were carried out by activists of the Fatah and the Popular Front. In just 15 cases, mainly related to intelligence cooperation with security forces, were the operations carried out by cells identified with the Hamas. Of these 15 cases, nine ended with the killing of the suspect. The investigation shows that Hamas activists interfered very little in matters of morals and social aspects, unlike the Fatah and the Popular Front, which carried out a

large number of punitive operations in this context. It also indicates that Hamas activists made less use of methods of punishment other than killing, such as the breaking of bones, shooting at legs, and house arrest. These means of punishment were used frequently by activists of the Fatah and the Popular Front. The Hamas' operating mode was characterized by the kidnapping, interrogation, and execution of the suspects, or their release in cases in which the activists thought that the suspicion was unfounded. This pattern, which is indicated by an investigation of the punitive operations in Nusseirat, corroborates claims made by Hamas leader Sheikh Ahmad Yassin, in an interview with **B'Tselem** at Ashmoret Jail on September 28, 1993. (See Appendix C)

### c. Additional Figures on Suspects Punished:

1. **Sex:** Of the 121 punitive operations carried out against residents of the Nusseirat refugee camp, ten (some 8 per cent) were directed against women, including five killings.

2. **Age:** The average age of those punished was 31. In only five cases out of the 121 were the victims below age 20. The youngest victim was 17. Five of those punished were age 50 and above.

3. **Family status:** 96 of those punished were married, and 25 unmarried.

#### 4. Occupation:

Laborers	52
Skilled laborers/professionals (blacksmiths, tailors, mechanics, painters, photographers, etc.)	12
Housewives	9
Farmers	8
Drivers	7
Minor clerks	8
Businessmen and contractors	4
<i>Mukhtars</i>	2
Drug dealers	2
Male hospital nurses	2
Policemen	1
Peddlers and cart-owners	3
Unknown or unemployed	11
<b>Total</b>	<b>121</b>

#### **d. Four Cases of Suspected Collaborators Killed at the Nusseirat Refugee Camp**

##### **1. Samir 'Abdallah Fayed, age 28, killed on May 17, 1991.**

According to testimony of camp resident D.J. from September 8, 1993:

Samir 'Abdallah Fayed, a resident of the Nusseirat-2 camp, was a construction laborer, married with five children. He was a friend of "Ghatas," a known collaborator who always went around with a bodyguard. Fayed's links with the camp inhabitants were bad, and he was known as an eccentric who behaved in odd ways. Sometimes he would go out in the very early hours, raise hell, and frighten residents in their homes. He would sometimes shout "Robbers! Robbers!" and this made him a suspicious figure, because only drivers and collaborators would leave their homes in the middle of the night. He was also known in the camp as a thief.

On May 14, 1991, I happened to be in the area of the market, when a Peugeot 404, with seven passengers, appeared. They were singing and drumming on the car doors, happy that they had caught Samir Fayed. When the car stopped, its passengers got out and asked about the whereabouts of Nusseirat's wanted men, in order to hand over the men they had caught. After that they opened the trunk and removed two tied-up men. One of them was Samir Fayed, whom I knew. I heard that the two men had been caught trying to steal from one of the houses. Before the afternoon prayers they had both been taken to the 'Iz a-Din al-Qassam mosque, which is near the market, with everyone spitting on them and humiliating them.

When they were taken into the mosque, an old man saw them and began to beat them with his stick, and everyone else there followed suit. After that a group of masked men, who belonged to the Fatah, arrived, and took them back to the area of the Red Square, where they began to beat them, with the crowd joining in and inflicting blows. Then people from the Red Eagle group, which belongs to the Popular Front, came and asked the masked men to take the two to be interrogated.

After some two hours the Red Eagle group came back, together with the two interrogated men. People asked what the interrogation had shown. One of the group declared that the



interrogated men had confessed to being both collaborators and thieves. Two of the group began to rain axe blows all over Fayed's body, and two others beat the other man. The onlookers applauded, and the group left the scene. The two beaten men were taken for treatment to Shifa Hospital in Gaza. Fayed was hospitalized for two days, until one of the assailants came and shot him in the head and killed him. The second man continued to receive treatment, until he recovered and went home.

**2. Nasser 'Abd a-Latif a-Shurbaji, age 23, killed on March 12, 1992.**

According to the testimony of H.'A. on September 8, 1993:

Nasser al-Shurbaji was a bachelor, an educated man and liked by those who knew him. After the outbreak of the Intifada, he was arrested for throwing a firebomb at IDF soldiers. In the detention center he was active in the Popular Front organization, and gave instruction to the movement's members. Nevertheless he was twice interrogated in detention by members of the Popular Front, who did not find him guilty. The background to the interrogations was the suspicion of the Popular Front people that al-Shurbaji was friendly with collaborator Nabil Abu Khadra, who frequently visited al-Shurbaji's family in the camp and had ties with al-Shurbaji's mother and his brother. The Popular Front people threatened Nasser's brother and mother, and beat them.

After he was released from the detention facility, the Fatah Hawks cell tried to kidnap his mother in order to interrogate her, but her children, including Nasser, refused to allow them to take her away with them. They suggested that their mother be interrogated at home in front of them, but the cell refused. When they tried to drag the mother away by force, her sons struck the cell members, and Nasser inflicted an ax blow on one of them, wounding him slightly on the head. The cell left the house, after one of them had shouted that he would kill al-Shurbaji, even if it was the last day of his life.

Two weeks later, toward evening, five masked men returned in the same car, a green Peugeot 504. One of them was armed with a Carl Gustav submachine gun, another with a pistol, and the three others had axes and iron rods. The car drove towards Nasser's house, and the men inside shouted, "We are the Fatah Eagles, come out, sons of al-Shurbaji, you bastards."

The masked men fired at the door of Nasser's house and called upon the family members to come out. When the masked men

went back to the car, Nasser came out of his house, jumped over the fence and called to them in a loud voice: "I am Nasser al-Shurbaji. Let's talk." When they saw him, several of them got out of the car. The first went up to Nasser, carrying an iron rod, and hit him on the mouth. Nasser fell to the ground, and then the second one came and stabbed him in the chest, near the heart; the third, who was armed with the Carl Gustav, fired four shots at his head. All of this happened within minutes, in front of many inhabitants. Most of the witnesses to the incident, who knew Nasser very well, were absolutely furious. One shouted, "Have mercy on him," and attacked one of the masked men who was carrying an iron bar. But most of the people were shocked and frightened, and did not try to interfere.

After Nasser was buried, the members of his family sat in the mourning tent. Most of the people in the camp, including many of Nasser's friends, who had known him in jail and believed in his innocence, came to console the family.

### **3. Munir Ahmad 'Ali a-Ra'i, age 33, killed on July 30, 1991.**

According to the testimony of Y.A., given to B'Tselem on September 2, 1993:

Munir a-Ra'i was married with five children, and worked as a furniture painter. He was described by those who knew him as a good family man and as someone who loved helping people, but since he asked many questions, he also made people suspicious. It is also known that he smoked hashish before the Intifada.

During the Intifada soldiers beat him and broke his arm. Despite this, people kept their distance from him. Several of his neighbors even accused him of throwing stones at their houses from a room on the roof of his house. A-Ra'i claimed that he had connections with the Palestinian Communist Movement, but the movement denied this and refused to accept him as a member, because of the reservations about him.

On July 30, 1991, eight masked men in green uniforms appeared near the a-Zahur Pharmacy, located in the camp's main street. They walked towards a-Ra'i's place of work, and dragged him off to Red Square, where a large crowd had gathered to see what would happen. The group's members interrogated him, with most of the suspicions relating to the fact that he used to write slogans on house walls without being asked to do so. He was accused of writing slogans following instructions from the GSS. A-Ra'i did not confess to the accusations, and insisted that

he was working with the Palestinian Communist Movement. The masked men silenced him with their shouts.

One of the residents who was watching the goings-on asked the masked men which movement they belonged to, and they replied that they belonged to the Unified National Command. One of a-Ra'i's brothers tried to protect him, saying: "Give us a single piece of proof that Munir is a collaborator, and then we will kill him," but no one answered him.

The masked men began to beat Munir with axes and rods. He shouted, "I repent... I repent," and managed to escape from them in the direction of the market. He tried to hide underneath one of the stalls, but one of the masked men managed to grab him and carried on giving him ax blows on his legs, accompanied by encouraging cries from the curious onlookers.

The group left after writing on the walls that it was responsible for the killing of the collaborator Munir a-Ra'i, because of "his moral and security deterioration." Munir's brother took him to the UNRWA clinic in the camp, and then to Shifa Hospital in Gaza, where he was hospitalized for five days.

When he returned home and went back to work, he tried to get close to the a-D'awa group, a Sufi Muslim group, and began to pray. Some four months later, a car with three people in it, one



*Nabil Jawadat:  
Tortured to death by Hamas  
activists*

of them masked, arrived at his place of work. The masked man got out of the car, went up to Munir, shot him in the chest, and escaped in the car.

Munir ran to the clinic, which was some two hundred meters away. He was again hospitalized in Shifa Hospital for two days, until a member of the Red Eagle group (identity known to **B'Tselem**) came to the hospital and shot him in the head. He died instantly.

#### **4. Nabil 'Abd al-Hamid Jawadat, age 22, killed on October 15, 1993.**

According to the testimony of A.J., a relation of the deceased, and his neighbor N.A., on October 16, 1993:

Nabil 'Abd al-Hamid Jawadat was married, with one son and one daughter, and worked as a vendor of soft drinks and ice cream in the market of the Nusseirat refugee camp. As far as is known, there were no implicating rumors about him. He was known as an ordinary man who tended to keep to himself, and had no close friends. In the second year of the Intifada he was arrested on suspicion of throwing stones at soldiers. He was sentenced to prison, and spent four months in the Ketziot camp in the Negev. During this period he joined the Fatah Organization in the prison. After his release, he resumed his regular routines.

Jawadat was kidnapped by unknown assailants in the area of the market on the evening of October 11, 1993. Two days after he was kidnapped, the Fatah, Popular Front, and Communist Party organizations proclaimed in messages on the camp's walls that they condemned the kidnapping. The Hamas did not take part in the condemnation.

Three days after the kidnapping a protest meeting was held outside Jawadat's house, following a call by the Fatah Movement. On October 15, 1993 his body was discovered in a black plastic bag in the village of a-Zaweida. There were indications of brutal torture. Attached to the bag was a circular of the 'Iz a-Din al-Qassam cells. The circular detailed a number of reasons for Jawadat's killing: collaborating, engaging in *isqat*, conducting homosexual relations, taking part in firearms exercises and going on operations with the army, and shooting at youths.

On the same day the Fatah issued a circular in response to the Hamas circular. The Fatah condemned the act. The Jawadat family, together with the Fatah Movement, set up a condolence

tent, where Palestinian flags flew and national songs were played. At the entrance to the tent photographs of Nabil's body were displayed, showing the signs of the brutal treatment he suffered. [Copies of the photographs on file at the **B'Tselem**]. Large numbers of residents visited the condolence tent and condemned what had happened. Supporters of the Hamas Movement did not take part [in the condolence visits and condemnations].

***Translated text of the circular issued by activists  
of the Battalions of the Martyr 'Iz a-Din al-  
Qassam of the Hamas Organization:***

In the name of Allah the Merciful and the Compassionate,

Praise be to God, may He bless those who give Him thanks and make low those who rise up against Him and bring down the oppressors, and prayers and blessings on the leader of the Jihad fighters (Muhammad) and on the members of his family and his comrades until the Day of Judgment, and now to the matter at hand. The Battalions of the Martyr 'Iz a-Din al-Qassam proclaim their responsibility for the execution of the collaborator who was deserving of death, Nabil Jawadat, for the following reasons:

1. He collaborated with intelligence agent "Abu al-Assad" [Apparently the cover name of a GSS man].
2. He led many young men and women to *isqat* [moral deterioration] using photography.
3. He performed homosexual acts with a number of youths.
4. He practiced with a 9 mm pistol and an M-16 rifle, went out twice with the army, and shot at youths.

This circular is addressed to all those interested.

Allah is great and Islam will conquer.

Battalions of the Martyr 'Iz a-Din al-Qassam, the Hamas.



### ***Translated text of the Fatah Circular in response:***

In the Name of Allah the Merciful and the Compassionate, the reply of the Fatah Movement to the circular issued by the Battalions of the Martyr 'Iz a-Din al-Qassam.

The Palestinian National Liberation Movement, including all its military and political apparatuses, expresses its revulsion at this crime perpetrated against resident Nabil Jawadat. Our horror was further compounded by the public statement that was found together with the slain man's body and the signs of torture which were such that he would have confessed to even more serious charges than these. According to this, following our security viewpoint, nothing in this statement is correct and everything is utterly distant from the truth. We emphasize the following:

First, the text of the circular attached to the slain man's body, containing linguistic errors and spelling mistakes, shows, in an unmistakable fashion, that the cell which carried out this crime is not fit to carry out this onerous duty and to decide who is to live and who is to die.

Second, we demand of this cell that it give us a clear explanation of the fourth paragraph that was added after the circular was written, in which there appear additional unconvincing claims.

Third, the confessions which appeared in the circular are very few in number, if they are compared with the signs of the torture visible on the slain man's body, and this to such an extent that if this had been somebody else instead of the murdered man, we would expect far more confessions than he made, according to your claim that appeared in the circular.

To the multitudes of our brave people, in this matter we believe that it is the duty of every Muslim citizen in this country to ask himself whether the way that the slain man was treated, from the moment that he was kidnapped, during his brutal interrogation, and finally, in the decision to execute him, was what he deserved according to what our righteous Muslim religion instructs us. Here we leave the answer up to our people, which stands with us, and which will judge... [no omission] and will decide and will say what it has to say about this case.

Issued by your brothers in the Palestinian National Liberation Movement (Fatah)

Friday, October 15, 1993

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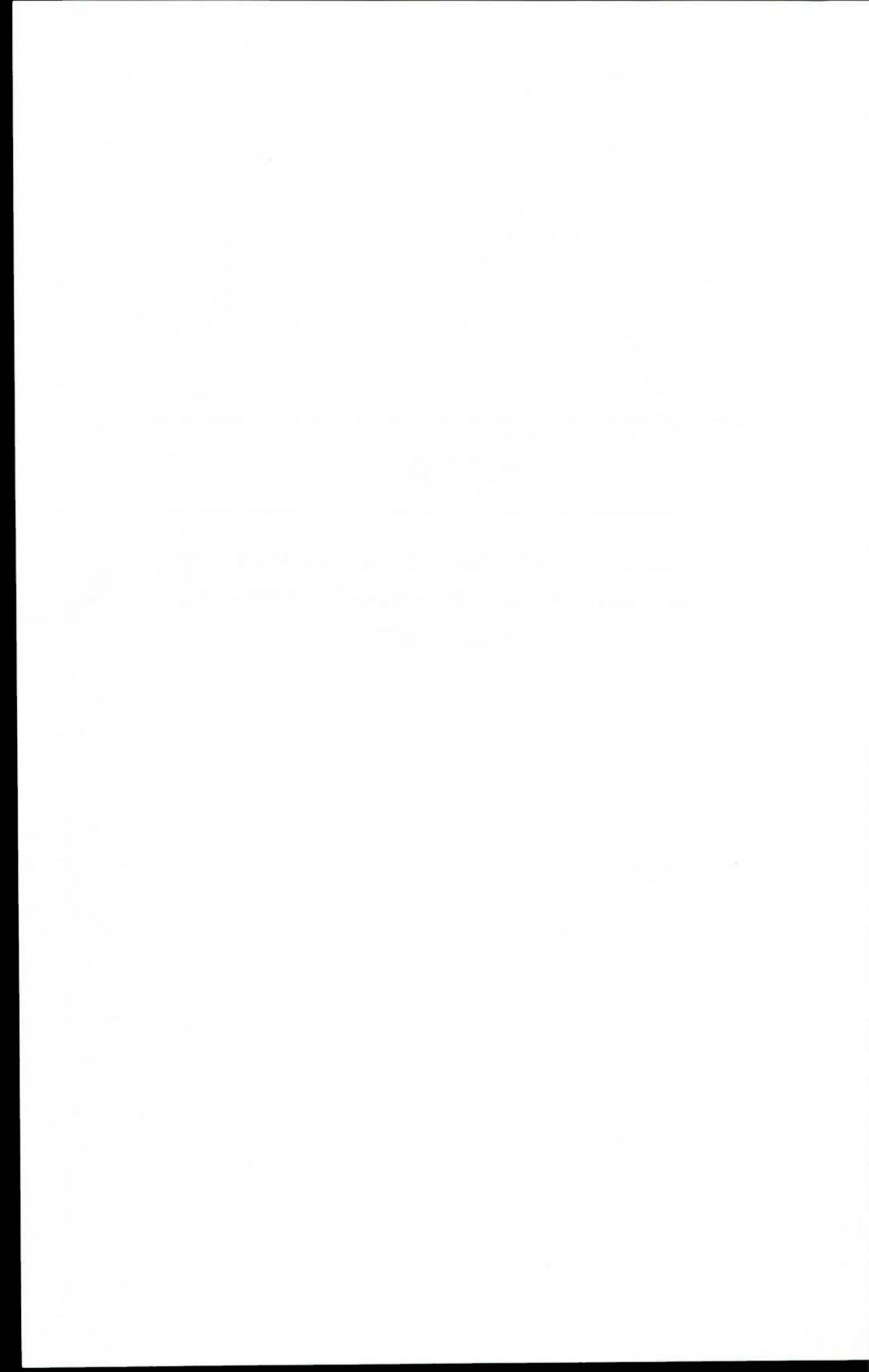
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## **PART D**

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### **Approach of the Palestinian Leadership to the Torture and Killing of Suspected Collaborators**



# 1. The PLO Affiliates

The PLO (Palestine Liberation Organization), established in 1964, is a coalition of Palestinian organizations, of which Fatah is the dominant. Among the others are the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Palestine Communist Party, and smaller groups. Of these, in the pre-Intifada period only Fatah and the Popular Front had formulated a comparatively crystallized approach to the issue of collaborators.

Various sources indicate that Fatah took a relatively cautious approach to the collaborators in the period of occupation before the Intifada. At the end of the 1960s Fatah established a revolutionary court in 'Amman to try suspected collaborators and others, inside and outside the territories, who were suspected of being informers or spies. In a few especially severe cases, the court handed down death sentences.<sup>1</sup>

The Fatah leadership continued to pursue a policy of restraint. The organization stood behind only a few killings in this period. Activists were instructed to isolate and ostracize suspects, rather than kill them.<sup>2</sup>

Regarding collaborators in detention facilities (known as "birds" – see Part B, Chapter 2),<sup>3</sup> Fatah activists adopted a policy of *islah* (moral rectification) toward collaborators. Only in severe cases did the PLO leadership decide, in the late 1970s, that the death penalty was permissible, but only with the prior approval of Yasser 'Arafat.<sup>4</sup> Fatah activists followed this order until the start of the Intifada. Nevertheless, interviews conducted by **B'Tselem** with former prisoners show that even before the Intifada prisoners who cooperated with the authorities were attacked. One tactic used by activists in the prisons was to slash a suspects's face with a razor blade (*tashfir*), thus humiliating the individual, rendering him easy to identify, and hindering his possible future action.

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1. According to the Qadi, 'Abd al-Aziz Wadi, who served on the revolutionary court, as stated to Dr. Saleh 'Abdel-Jawad in July 1991, in 'Amman, Jordan.

2. "Jawhar al-Aman," internal Fatah document from the early 1980s (undated), p. 26. In the period under discussion this document was Fatah's supreme guideline regarding collaborators.

3. For example, the Fatah document (undated, 1980s) from Jeneid Prison entitled "Special Plan of Action for Reeducating the Victims and Integrating them into the Organizational System." The plan included treatment for those "who repented their collaboration... , displayed remorse, and expressed their sincere desire to return to the ranks... of the revolution and the people."

4. "Experience in Detention," internal Fatah publication, undated.

In contrast to Fatah, the Popular Front carried out numerous executions without trial. This was a period in which many armed squads were active in the Gaza Strip, and the Israeli authorities frequently resorted to the assistance of Palestinian collaborators. In the early 1970s Popular Front activists killed dozens of suspected collaborators in the Gaza Strip, many of them apparently mistakenly.<sup>5</sup> In the West Bank, however, there were few such killings by the Popular Front.

The popular front also carried out attacks on the members of the "village leagues," established by the Civil Administration in the early 1980s to "grant representation to the silent, cooperative majority" in the territories and to act as a counterweight to the PLO.<sup>6</sup> This period (1981-84) saw attacks on leading figures in the Village Leagues and on armed collaborators (who did not belong to the league). In October 1981 the head of the Village Leagues in the Ramallah region, Yusef al-Khatib, and his son, Kazem, were killed in an ambush laid by the Popular Front.<sup>7</sup>

### a. The Intifada Period

Shortly after the start of the Intifada, the Unified National Command of the Uprising (hereinafter: the Command) became the supreme authority for the Palestinians in the territories. The Command was a coordinating body for the four central groups (mentioned above) identified with the PLO in the territories. Its leading activists were generally young, though many of them were already veterans of military prisons.<sup>8</sup>

The Command's main activity consisted of issuing circulars and manifestos, which directed the population in conducting the Intifada, and also addressed the subject of collaboration.<sup>9</sup> Circular no. 1, dated January 8, 1988, praised the Palestinian merchants for holding a

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5. According to interviews conducted by **B'Tselem** in the Gaza Strip in August 1992. See also Maj. Gen. (Res.) David Maimon, **The Terror that Was Vanquished - Repression of Terror in the Gaza Strip 1971-1972**, Steimatzky Ltd., Tel-Aviv, 1993 (Hebrew).

6. Meron Benvenisti, **The West Bank Handbook**, Kaneh Publishers, Jerusalem, 1987, (Hebrew) pp. 10-11.

7. The **Jerusalem Post**, November 18 and 21, 1981.

8. The Unified National Command is described extensively in Ehud Yaari and Ze'ev Schiff, **Intifada**, Simon & Schuster, New York 1990, pp. 170-187; and Guy Bechor, **PLO Lexicon**, Ministry of Defense Publishing House, 1991 (Hebrew).

9. On the circulars issued by the Command and their role, see Dr. 'Abdel-Jawad, "The Original Sources of the Intifada," *Majallat Aafaq Filistiniyeh*, Bir-Zeit University, No. 5, summer 1988 (Arabic).





Caricature by the Revolutionary Security Apparatus (Fatah) "A Zionist GSS Officer" squeezing "the poor collaborator like a lemon" and extracting drops of "information." Afterwards the lemon rind is thrown in the garbage.

general strike at the Command's directive, but warned strike-breakers that "we shall soon punish certain traitorous merchants." The same warning was repeated in two additional circulars of January 1988, until virtually all merchants took part in the strikes.<sup>10</sup>

Seeking to create an alternative national infrastructure to that of the Civil Administration, the Command also called for the resignation of the Israeli-appointed town and village councils and of Palestinian policemen and tax officials working for the Civil Administration. No such demand was made of employees of the government education or health systems, also subordinate to the Civil Administration. Those who refused to resign were branded traitors,<sup>11</sup> while a later circular spoke about "forfeiting the blood and property of the heads and members of the [appointed] councils who did not resign." The "masses of the Uprising" the circular stated, "will trample whoever opposes the positions of the national consensus or refuses to answer the call of the Uprising."<sup>12</sup>

Subsequent circulars again demanded the resignation of the town councils and Civil Administration personnel, but dropped the notion of "forfeiting the blood" and spoke only about "rendering [their property] to the public domain."<sup>13</sup> When the Intifada first erupted, the Command had little to say about the "security" collaborators. This approach changed after February 4, 1988, when an armed collaborator, Muhammad 'Ayid Zakarnah, was killed by his fellow villagers in Qabatia, in an incident that marked the start of a wave of attacks on suspected collaborators. A circular published after this incident congratulated the residents of Qabatia. "who taught a lesson to one who betrayed his nation and his homeland."<sup>14</sup>

For a few months afterward there was an upsurge in the phenomenon of "repentance" among collaborators.<sup>15</sup> This phenomenon spread rapidly but apparently ceased after a few of the repenters were attacked and killed by Palestinians. PLO activists claimed that at the beginning of the Intifada collaborators were given the opportunity to repent without endangering themselves, but that Israel prevented this. In an interview to the Jerusalem weekly *Kol Ha'ir* (February 16, 1990)

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10. UNC circular no. 2, January 10, 1988; circular no. 4, January 21, 1988.

11. UNC circular no. 9, March 2, 1988.

12. UNC circular no. 12, April 2, 1988.

13. Meaning, apparently, the torching of houses and vehicles and other attacks on property. For example, see UNC circular no. 37, March 23, 1989.

14. UNC circular no. 9, March 2, 1988.

15. Faisal al-Husseini, interview to *Kol Ha'ir*, February 16, 1990.

Faisal al-Husseini stated:

At the beginning of the Intifada they said not to kill. They allowed a few days of purification, so they could return their weapons [to the Israelis]. Anyone who refused to do this was thrown out of the village. What did the occupation government do? Collected those people, gave them weapons, and sent them back to the villages. Two months ago the commander of the Gaza Strip issued an order that prevents me from entering there, claiming that I want to set up a parallel judicial system. I did a lot to prevent murders. The authorities do not want the Palestinians to stop the murders.

From the end of 1988 a substantial change was discernible in the pattern of attacks on collaborators. What had begun as a comparatively small number of attacks on suspects – most of whom were in fact armed collaborators, well-known in their districts – developed into a mass phenomenon. By the end of the first year of the Intifada some twenty Palestinians had been killed on suspicion of collaboration. In the second year some 150 suspects were killed (by groups identified with the PLO or by individuals whose affiliation was unclear). The sharp increase in the number of killings was apparently related to the heightened efforts of the security forces to apprehend wanted individuals, making increasing use of the special units and of information furnished by collaborators. Every time a wanted individual was



Fatah graffiti: "Woe to Mussa the drug dealer... ."

captured, wounded, or killed, the public immediately suspected the work of an informer. It was the beginning of a vicious cycle in which the wanted individuals were hunted by the security forces, while the suspected collaborators were hunted by the wanted, who held them responsible for the death or capture of their comrades.

Many of these attacks were carried out by the strike forces. The strike forces grew out of a change in the PLO-affiliated popular committees which, at the beginning of the Intifada, undertook an effort to become a quasi "state-in-the-making," in an attempt to create an infrastructure alternative to that of the civil administration. As a result of their growing political clout, the committees were declared illegal. After many of their activists had left or been arrested by the Israelis, the militant activists, many of them "wanted," turned to violent struggle, spearheaded by the strike forces. From this time on, most of the attacks on the suspected collaborators were carried out by the strike forces or splinter groups that in effect operated independently, even though they continued to see themselves as part of the PLO and to benefit from its support.

By late 1988 the Command had also altered its public stance. Circulars issued by the Command threatened collaborators and urged the popular committees and strike forces to oppose and even persecute them, in order "to purge the insides of the camp of its filth."<sup>16</sup> The Command praised the strike forces, "which hunted the collaborators and carried out the verdict of the Intifada and the people."<sup>17</sup>

Still, the Command did not articulate a detailed, clear policy on the subject. All of its circulars, from March 8, 1988 until the end of 1990 (with the exception of three), contained at least one paragraph about the collaborators, but the directives were not consistent. Circulars calling for attacks on collaborators were followed by others that left them an option to repent. In some cases the same circular contradicted itself. For example, circular no. 26 (June 27, 1988) urged that collaborators be "beaten and liquidated," but at the conclusion of the same paragraph called for them to be "ostracized and boycotted."

In a circular issued in early April 1989 the Command set April 26, 1989, as "judgment day" for the collaborators. It called on the strike forces to use every means "to punish the collaborators and those who deviate from the ranks of the national camp by collaborating with the occupation authorities."<sup>18</sup> The circular was widely adhered to: in the

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16. For example, see UNC circular no. 25, September 26, 1988.

17. Thus the Command praised the city of Nablus, where many collaborators were killed, and urged "following in the footsteps of this progressive exemplary model," in circular no. 28, October 29, 1988.

18. UNC circular no. 38, April 12, 1989.

days following its publication eight suspected collaborators were killed, including a Gaza woman, and nine were injured, among them a woman from Nablus.<sup>19</sup>

A circular issued by the Command on May 22, 1989, explained that the collaborators were persecuted not "because they are political rivals who hold different views, but because they are a tool of repression of the armed Israeli occupation, who abet the mass murder of our people and spread fear."<sup>20</sup>

Following this circular a new tone could be discerned. For the first time since the beginning of the Intifada, the Command urged that the killings be moderated, asserting that the emphasis must be "on those against whom evidence exists and regarding whom there is a national consensus for their denunciation and punishment as befits... their crimes."<sup>21</sup> This stand was taken after collaborator killings seemed to be getting out of hand, implying that the Command was losing control of events. Yet despite the changed attitude, no clear call was issued for an immediate halt to the killings, even if only to allow a respite during which the issue could be reexamined.

## **b. Internal PLO Criticism on the Killing of Collaborators**

In 1989 PLO personalities in the territories and abroad expressed public opposition to the killing of suspected collaborators. Criticism mounted after the Gulf War, as part of an internal self-examination at that time. Umm Jihad, the widow of Abu Jihad, condemned the night operations of the masked individuals and urged that action be taken against them.<sup>22</sup>

In an interview to *Ha'aretz* on September 11, 1989, the head of the Gaza Bar Association, Fayiz Abu Rahmah, claimed that most of the killings were the work of deviant individuals, who acted on their own initiative, on the basis of implausible rumors:

It is enough for someone to spread a rumor on the street for the life of the person mentioned in the rumor to be in danger, and the accused is not even given a chance to defend himself. Murder is murder. Even if it is enclosed within a patriotic

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19. Roni Shaked, *Yediot Ahronot*, April 28, 1989.

20. UNC circular no. 40.

21. UNC circular no. 41, April 28, 1989.

22. Intissar al-Wazir (Umm Jihad) in an interview to the East Jerusalem weekly *a-Nadwa*, quoted in *Ha'aretz*, July 29, 1990.



nationalist wrapping, it cannot be forgiven or atoned for. Every person, even the greatest and most loathsome criminal, deserves a fair trial, especially if the penalty awaiting him is death.

Abu Rahmah also called for the perpetrators of the killings to be punished with the full rigor of the law.

Ziad Abu Ziad, a Fatah leader in the territories, stated upon being released from administrative detention in Nablus prison, that in conversations he had held with detainees who had been involved in the interrogation and killing of suspects, many admitted to having made mistakes. In many cases they had not intended to kill the suspect, but had ended up doing so because of their lack of experience in conducting interrogations. Ziad's conclusion was that Palestinian personalities "inside and outside [the territories]" must act far more resolutely to put a stop to the killings.<sup>23</sup>

Faisal al-Husseini also admitted that "mistakes" were made in attacking suspects and that in some cases personal accounts were settled under the guise of attacks on collaborators.<sup>24</sup>

Following the Gulf War the Palestinian press carried a wave of trenchant articles condemning the killings. One such article, published in *al-Fajr* by journalist and former leading Fatah activist 'Adnan Damiri, had widespread reverberations:

We are getting the short end of the stick in Nablus, Hebron, Jenin, and all the villages... . A friend of mine was arrested four times, during which soldiers broke into his house, but today he is more afraid of masked individuals who have no address, name, or color. We tried to find excuses or logic for their executions of people who collaborate with the authorities, and when we face the Israeli or foreign press we ignore some of the questions. But the phenomenon is becoming prevalent and frightening, and on the other hand it has strengthened everyone who emerges from his house masked and without an identity and an address.<sup>25</sup>

Another article published in *al-Fajr*, on June 8, 1992, by Khaled Abu 'Aqer, a journalist and Fatah activist, was entitled "The Sanctity of Palestinian Blood:"

The phenomenon of the murder of collaborators is increasing, despite the repeated cries of the Palestinian executive branch... . The rashness that characterizes decision making and lack of compliance with those in authority has brought us to a situation

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23. Interview to the *Jerusalem Post*, June 17, 1991.

24. See Appendix A.

25. Adnan Damiri, *al-Fajr*, quoted by Yizhar Be'er, *Ha'aretz*, June 7, 1991.

which benefits the occupation government. We must curb the perpetrators of the murders... . Speedy action is imperative to stop and uproot the phenomenon. This can be done if we declare that Palestinian blood is sacred and that to shed it is strictly prohibited... . If we penalize those who violate the decisions of the Palestinian leadership, the punishment will be a lesson to all the rest and will prevent lone individuals from making fateful decisions.

During 1992 criticism increased and was supported by most PLO centrists in the territories. Around the middle of the year contacts began in the territories between PLO and Hamas activists to formulate a "covenant of honor" which would bring a halt to the uncontrolled killing of suspected collaborators. June 1992 even saw the publication in the Gaza Strip of a joint PLO-Hamas circular stating: "The two organizations call on the public to consider seriously the subject of the liquidation of collaborators and to fulfill the decisions of the organizations' leadership regarding fair and mature interrogations."<sup>26</sup>

The idea of signing a "covenant of honor" to formalize the relations among the organizations and the treatment of collaborators was first raised publicly by Faisal al-Husseini on May 3, 1992. His call was echoed by the heads of the Popular Front and the Democratic Front in the territories. PLO activists claimed that 'Arafat himself signed the covenant, which called for a halt to the internal killings and to the use of face coverings, and for judicial measures to be taken against Palestinians suspected of "deviating from the national line."<sup>27</sup>

The "covenant of honor" reflected the public campaign conducted by the PLO in 1992 against the killings, through public assemblies among other methods. On May 16, 1992, an assembly was held in the Shuja'iyyah neighborhood of Gaza City attended by about 2,000 people, including masked individuals from Fatah. The speakers urged that the killings be stopped and recommended the establishment of a committee of jurists, popular arbitrators, and notables to resolve disputes, and the adoption of democratic methods.<sup>28</sup> A week earlier a similar assembly in the Jabalyah refugee camp had denounced the killings and the rise in crime. But despite the efforts made to apply the principles of the covenant, the killings continued.

The head of the Palestinian delegation to the Madrid peace conference, Khaider 'Abd a-Shafi, added his voice to those who opposed the

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26. *Ha'aretz*, June 8, 1992.

27. Stated by PLO representative to Jordan 'Abd a-Rahim a-Taib, and PLO executive member Abas Zaki to *a-Nahar*, quoted in *Ha'aretz*, May 27, 1992.

28. *Ha'aretz*, May 18, 1992.



killings: "We condemn vigorously this aspect of the murders and we can see no justification for these acts," he told reporters at Red Crescent headquarters in Gaza.<sup>29</sup>

### **c. Responsibility of the PLO Leadership for Killings of Suspected Collaborators by its Activists in the Occupied Territories – Policy and Enforcement**

The public calls issued by the PLO leadership in Tunis, and more especially by the Fatah leadership, and the orders that were given – if any – to stop the killings or moderate them, were not sufficiently resolute or consistent to put a stop to the phenomenon. Moreover, to **B'Tselem's** knowledge, no enforcement measures were implemented. The members of the various groups continued to interrogate, torture, and kill suspected collaborators. These actions did not affect the organizational and financial ties between the local squads and Tunis, and no public disavowals were issued. In a conversation with **B'Tselem** on August 11, 1993, Hussein 'Awwad, commander of the Fatah Hawks in Khan Yunis, said that "outwardly the PLO says it is in favor of stopping the liquidations, but internally its orders are different."

Commanders and members of the various squads identified with the Fatah told **B'Tselem** that they coordinated with Tunis the interrogations and killings of suspected collaborators. Burhan Abu Subah, age 22, from the village of Ra'i near Jenin, who has been wanted by the Israeli security forces since 1989, told **B'Tselem** on December 30, 1993, that he had taken part in the interrogations of more than 120 suspected collaborators and had killed five of them. He added: "We interrogate the suspects and transmit their confessions to our leadership abroad. I never kill a suspected collaborator without an order. When I receive such an order, I carry it out immediately. I receive my salary, of 400 [Jordanian] dinars [about NIS 1,600] a month, through the organization from outside."

Similarly, Ahmad 'Awwad Kamil, age 31, from Qabatia, who was the commander of the Black Panther group in the Jenin area and was accused of murdering sixteen suspected collaborators (he was captured by the IDF in September 1993), claimed that a direct link exists between PLO headquarters in Tunis and the squads in the territories. In his trial, held at the military court in Jenin, Kamil's lawyers stated: "For

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29. *Al Hamishmar*, May 25, 1992.

every operation Kamil would call directly to 'Arafat in Tunis, also in order to hear from him whether to issue a death sentence on a wanted [collaborator] who had been caught. If Israel forgave 'Arafat in the handshake at the White House, this is tantamount to forgiving the accused. The moment he was instructed by 'Arafat to halt the activity, Kamil did so."<sup>30</sup>

This ambivalent approach was also apparent *vis-a-vis* activists who tortured and killed suspected collaborators and then fled abroad. These individuals turned up at PLO bases and offices, but instead of being tried for disobeying orders were given shelter and in some cases jobs. A case in point is Yasser Abu Samhadanah, commander of the Fatah Hawks in Rafah, who is known to have committed many killings.

In early April 1993 Abu Samhadanah fled to Tunis via Egypt and apparently received an office and a secretary from the PLO.<sup>31</sup> In any event, the PLO leadership did not place him on trial or take any other action to oust him from the organization. On October 21, 1993, a **B'Tselem** representative witnessed a phone conversation between Fatah activists from Gaza, including A.S., and Yasser Abu Samhadanah, who was then in Libya. They discussed plans for the return to the Gaza Strip of wanted individuals who had fled abroad. This indicates that the PLO, far from taking sanctions against Abu Samhadanah, integrated him into the ranks of the organization.

During the Intifada other wanted individuals from squads identified with the PLO succeeded in fleeing to Egypt and from there to Tunis. In April 1990 the Israeli security forces uncovered in the West Bank a squad called the "Masked Lion," which was identified with Fatah, and whose members had killed at least five suspected collaborators. Two of them were captured while making for Egypt using forged passports. Two others managed to get across the border, and according to their families are at a PLO base in Tunisia.<sup>32</sup>

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30. The judges accepted the claim by the defense that Kamil had received orders directly from Yasser 'Arafat: Haim Broida, *Yediot Aharonot*, December 9, 1993.

31. *Ha'aretz*, June 15, 1993.

32. Khaled Abu Tuameh, *Jerusalem*, August 10, 1990.

#### d. After the Signing of the Israel-PLO Agreement

Following the signing of the Israeli-PLO Declaration of Principles on September 13, 1993, various sources reported that 'Arafat had ordered his activists in the territories to desist from violence against Israelis and Palestinians, including suspected collaborators. Samir Abu Shamallah, the commander of the Fatah Hawks in the northern Gaza Strip, stated in an interview: "We have received an order to stop the military operations against Israel. We are now concentrating on internal matters, on building an internal security system."<sup>33</sup> Hisham Jodah, a former commander of the Fatah Hawks in the Gaza Strip, told the Israeli news agency Itim: "We have received an order from Yasser 'Arafat to stop all the military operations against the army and against Palestinians suspected of being collaborators, but interrogation of suspects continues." At the same time, Jodah admitted that the Fatah Hawks had executed a suspected collaborator after the signing of the agreement with Israel. The decision, he explained, had been taken before the agreement was signed.<sup>34</sup>

Regarding Israeli targets, it appears that most of the local Fatah squads acceded to 'Arafat's request to stop all military operations, although a small number of local groups remained active, such as the squad that killed the Israeli Haim Mizrahi near Ramallah on October 29, 1993. The Popular Front and the Democratic Front continued to attack Israeli targets.

On November 28, 1993, members of the Israeli special units killed Muhammad Abu Rish, from the Fatah Hawks in Khan Yunis. Two weeks earlier Abu Rish had turned himself in to the security forces and then had been released as part of the PLO-Israeli agreement. Following this incident the Fatah Hawks in Khan Yunis announced that they were resuming armed activity against the security forces. On November 29, 1993, they fired on the IDF command post in Khan Yunis and at two army patrols. The PLO leadership in the Gaza Strip stated that these had been local initiatives and that only PLO headquarters in Tunis was authorized to decide on policy toward Israel.<sup>35</sup>

These same difficulties were also encountered by Fatah in trying to impose the agreement on the local squads regarding operations against

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33. Samir Abu Shamallah in an interview broadcast on "The Sixth Night" (Israel TV, Channel 2), November 26, 1993.

34. For example, *Yediot Aharonot*, September 26, 1993, and on Israel Radio's morning newsreel, same date.

35. *Yediot Aharonot*, November 30, 1993.

the security forces. On October 31, 1993, a squad of the Fatah Hawks killed Sa'id Salim Zu'arub, age 30, from Khan Yunis. On November 21, 'Ayid Muhammad Ahmad Abu Libada, age 27, from Rafah, died of a heart attack while being interrogated by Fatah Hawks. On December 3, Ahmad 'Aqal, age 22, was killed, also by a group of Fatah Hawks. During December 1993 at least eight suspected collaborators, residents of Khan Yunis, were shot in the legs.

In addition, the squads turned increasingly to settling local disputes and became more involved in social issues and policing actions. An example is the intervention by Fatah Hawks to obtain the release of a physician, Dr. Muhammad Abu al-Einin, who was kidnapped from his place of work by unidentified assailants in October 1993, following an internal dispute. Two days later he was released, thanks to the squad's intervention.<sup>36</sup>

Raafat 'Aabad, the commander of the Fatah Hawks in the central refugee camps in the Central Gaza Strip, stated in an interview at the beginning of November 1993: "We have stopped the armed struggle, for the time being. I am now playing the part of a policeman, to supervise the population. Sometimes there are social problems here that I have to supervise... a quarrel over a plot of land, inheritance problems... . Besides this, we also have to deal today with security issues [the nature of] which I cannot disclose." "Murdering collaborators, for example?", he was asked, and replied: "For example."<sup>37</sup>

We cannot confirm with certainty that the PLO leadership in Tunis or the Fatah leadership did in fact order the groups identified with them in the territories to stop attacking suspected collaborators following the September 13 agreement. In any case, it would appear that the Fatah leadership in the territories and the organization's regional commanders do not – and will not – have absolute control over the groups. The assassination in April 1988 of 'Arafat's deputy Abu Jihad (Khalil al-Wazir), who was responsible for PLO operations in the territories, indeed seriously impaired the PLO's ability to impose its authority on the squads identified with it. Thus local Fatah militants were among those who continued to attack suspected collaborators even after the agreement was signed.

Still, a measure of control remained. The fact that most of the squads identified with Fatah obeyed the orders of the Tunis command and stopped their attacks on Israeli targets, at least until the killing of Abu Rish, demonstrates, in our view, the strong organizational bond

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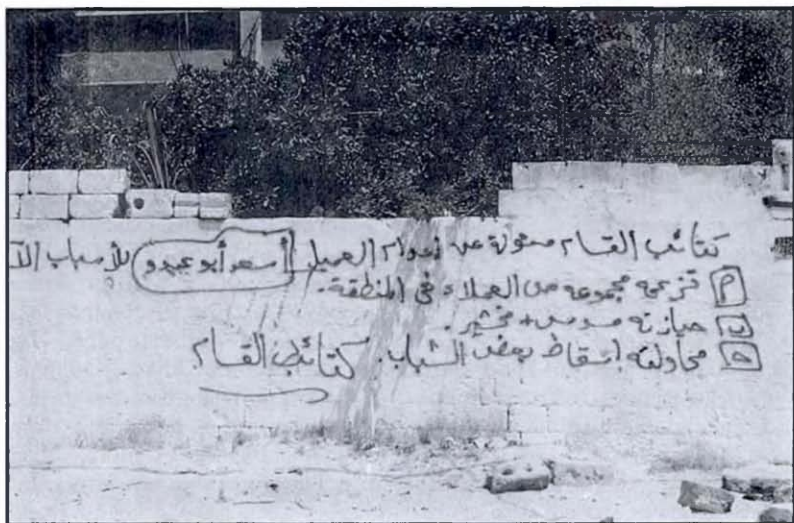
36. *Hadashot*, November 1, 1993.

37. In an interview to Gideon Levy, *Ha'aretz*, November 5, 1993.

between the squads and Tunis. In any event, this bond, partial as it may have been, was not expressed by a clear and enforced PLO policy regarding collaborators.

On August 19, 1993, **B'Tselem**, acting through Faisal al-Husseini, sent PLO headquarters in Tunis a series of questions regarding the organization's theoretical and practical policy toward collaborators.<sup>38</sup> To this day we have not received a reply. The organization's official stand on attacks by Palestinians against other Palestinians who are suspected collaborators thus remains obscure, and no attempt has been made to dispel the fog.

In a meeting with a delegation from Amnesty International, held on November 2, 1993, 'Arafat stated that the PLO was committed to respect the laws and international norms relating to human rights. However, he said nothing about the policy his organization would adopt toward collaborators following the introduction of self-rule in the territories.<sup>39</sup>



*Graffiti in Gaza: The al-Qassam troops are responsible for the execution of the collaborator As'ad Abu 'Abidu for the following reasons: 1. He headed a group of collaborators in the area. 2. He carried a pistol and a walkie-talkie. 3. He attempted to carry out isqat on several youths.*

38. The letter from **B'Tselem** to Faisal al-Husseini is appended to this report.

39. Press communique issued by Amnesty International, November 5, 1993.



## 2. The Approach of the Islamic Organizations

Hamas (Islamic Resistance Movement) was established in 1987 as the militant arm of the Muslim Brotherhood organization. In contrast to the PLO, Hamas' ideological leadership and military command are situated in the territories themselves, although Hamas also has a military command in Jordan. Hence, the movement's responsibility for the actions of its members is direct and not in doubt; nor, indeed, have Hamas leaders ever tried to disclaim responsibility for killings of suspected collaborators by their followers.

Among the Islamic organizations, Hamas is responsible for most of the killings of suspected collaborators during the Intifada. The Islamic Jihad, for example, espouses a stand similar to that of Hamas on collaborators, but in practice has been responsible for far fewer killings.

Hamas's position is based on rulings of Muslim clerics associated with the organization. The description of that position, which follows, draws on a series of special leaflets and manifestos issued in the territories during the Intifada, and on interviews with clerics associated with Hamas and with the movement's leader, Sheikh Ahmad Yassin.<sup>40</sup>

### a. Types of Collaborators

According to Hamas, there are five categories of collaborators:

1. **Security collaborators:** Covert and overt agents who pass on information to one of the Israeli intelligence bodies.
2. **Ideological collaborators:** Those who support peace with Israel or secularization of Palestinian society for ideological reasons. Ideological opponents of the Islamic movement are considered

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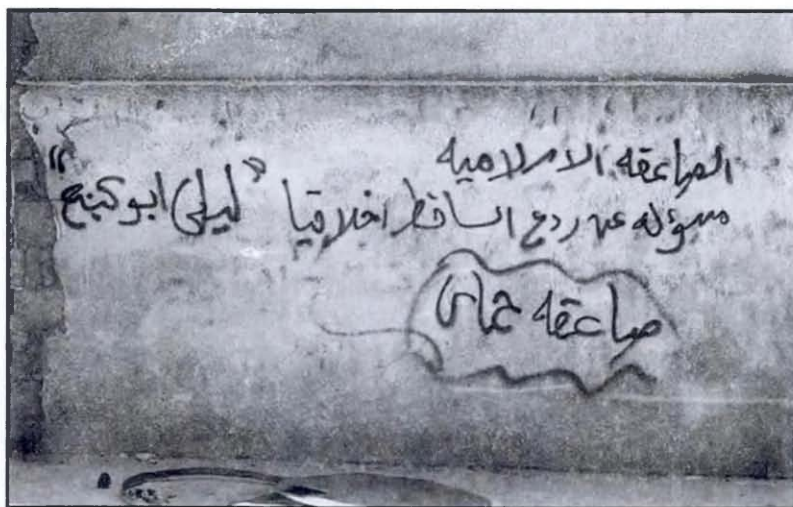
40. Hamas circulars, from the first one, issued on December 14, 1987, until circular no. 88, of July 5, 1992, and several special manifestos: a manifesto distributed in the Gaza Strip in March 1989, entitled "Hamas al-Mujahidin," one of Hamas' military bodies; a manifesto of June 12, 1992, entitled "Current Priorities in the Palestinian Struggle," dealing with the collaborators issue; and a special manifesto of June 28, 1992, "Let the Voices of those Granting Protection to the Collaborators Fall Silent," signed by "The Battalions of the *Shahid* [Martyr] 'Iz a-Din al-Qassam - Hamas Palestine." See also the interview with Sheikh Ahmad Yassin appended to this report.



collaborators because they "poison the soul of the nation, while exploiting their position or their journalistic, literary, or educational work, or any other means at their disposal. They do this by disseminating ideas at odds with religion, society, and morality." They include individuals who "disseminate the ideas of the enemy, preach submission while inculcating an atmosphere of despair and frustration, of acceptance of the situation, recognition of the enemy and collaboration with him through coexistence between the two peoples, normalizing relations, encouraging peace initiatives, and establishing associations or cementing ties for that purpose."

**3. Political collaborators:** Members of the political organizations that support a settlement with Israel or favor secularization. "If the ideological collaborator paves the way for the Zionist conspiracy and the operations of the occupation and for atheism, the political collaborator realizes these [concepts] through the institutions of the Zionist entity in the occupied territories." The list of examples includes "those who are ready to accept the autonomy plan and the holding of elections in the shadow of the occupation, and have designated themselves the nation's leaders..., those who apply a mixed [co-ed] curriculum."

**4. Economic collaborators:** Palestinians who distribute Israeli merchandise in the territories, smuggle out capital, or serve as agents of Israeli companies.



Graffiti in Gaza: "The Islamic storm troops are responsible for deterring the morally degraded Lailah Abu Kabah."

**5. Collaborators in the realm of morality:** Anyone who behaves in a manner that Hamas considers immoral, or encourages such behavior in others. These collaborators "poison the soul of the society." Their mission is "to disseminate filth and vices, such as licentiousness, drug and alcohol trafficking, distribution of pornographic films, lewd parties, outings, and the pornographic press." During the Intifada, "morality" collaborators were punished in ways similar to security collaborators. According to Hamas, *isqat* (moral degeneration) necessarily leads to security *isqat*, and it is a religious duty to uproot it.

Despite Hamas's severe principled approach toward ideological, political, and economic collaborators, individuals who in the organization's perception belonged to these groups were apparently not killed during the Intifada.

## **b. Collaboration as Heresy against Islam**

Hamas regards collaboration as an act of heresy. An absence of ideology leads "to the collapse of the walls which are meant to serve as protection against evil thoughts, and thus a person becomes... a victim, easy prey." The punishment of a collaborator is determined according to various criteria, such as the scale of "his heresy," whether he acted voluntarily and by choice, and the gravity of his deeds. Hamas does not specify the appropriate level of punishment for each deed.

The most dangerous collaborator "is the one who acts out of the belief that all his deeds are valid and permissible. His deeds are done out of choice, will, consciousness, and intent. Thus the collaborator becomes a heretic, and he should be judged as heretics are judged: the dead shall not be purified, he shall not be clad in shrouds, no prayer shall be said or forgiveness begged from God for him, and he shall not be buried in a Muslim cemetery." As for the penitent: "He shall not be executed, but he shall be given a deterrent punishment, to be determined by the Islamic leadership. That punishment shall be based on the severity of the damage he caused by his deeds and on their frequency. The punishment shall begin with a reprimand, continue with a warning, and go as far as beatings and incarceration. Anyone who has caused extreme damage shall be condemned to death."

Hamas distinguishes between the beginning collaborator – who is "in the first stages of moral deterioration and still has doubts and hesitations and suffers from pangs of conscience and still has within him not a little good, which can be exploited if it is discovered before he degenerates completely and dies," and who can still be influenced and aroused to

penitence – and the veteran collaborator. The latter, "whether he has been instructed to lead others into moral or security deterioration, or has penetrated national institutions or the armed cells or the struggle organizations... or has taken part in a manhunt for individuals and in their murder..., having surrendered and adapted himself to the commands of his masters, he is no longer able to contemplate redemption, to entertain doubt, or to refuse," and he "increasingly drowns in the mire of treachery, his senses are dulled, and he is convinced of the righteousness of his deeds... and ties his fate to that of his masters."<sup>41</sup> Such an individual is marked, in the view of Hamas: he is to be killed if there is a solid basis for the suspicions against him, after he has confessed to his deeds.

### c. Hamas Policy toward Collaborators

Even before he founded Hamas, Sheikh Ahmad Yassin, the leader of the Muslim Brotherhood movement in the Gaza Strip emphasized the importance of the war against collaborators, especially "the collaborators in matters of morality." In mid-1986 Yassin established the Majad arm, to collect information about suspected security and morality collaborators. The Majad, for example, collected considerable information about Palestinian businesses that were, it believed, "a source for the dissemination of filth," such as video rental stores that carried pornographic films. Majad was responsible for the torching of many businesses in the Gaza Strip. When the Intifada erupted, Majad, whose activists until then had rarely attacked suspected collaborators, became the military wing of Hamas.<sup>42</sup>

From the start of the Intifada until the arrest of Sheikh Yassin in May 1989, Hamas militants killed about ten suspected collaborators. Following his arrest, along with Majad and Palestinian Mujahidin activists, 'Iz a-Din al-Qassam squads took their place as Hamas' military wing. The young militants of these squads were less experienced than their Majad forerunners, and the result was a steep rise in the number of attacks by Hamas activists on suspects.

An examination by **B'Tselem** shows that of the eighty-one major circulars issued in the first four years of the Intifada by Hamas, only nine made reference to the issue of collaborators. These circulars warned collaborators to desist from their activity. Two of them urged the

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41. Hamas, Study on Security, Ashkelon Prison, May 1991 (Arabic).

42. 'Aataf Adwan, "Sheikh Ahmad Yassin, His Life and Struggle," Gaza, 1991.

residents and the "stone-throwing wings" ( Hamas strike forces) to pursue collaborators, but without defining the nature of that pursuit. In this period Hamas circulars did not order specific actions to be taken, in contrast to the circulars of the Unified National Command of the Uprising. In testimony to **B'Tselem** on July 1, 1992, J.B., a senior Hamas activist, explained that the low-key public references to the issue were dictated by a desire to preserve discretion: "The stone-throwing wings are appropriate for taking action on this subject on an individual basis and according to the circumstances and the particular features of each case. In this way it will be possible to avoid mistakes that characterized the Unified National Command, which placed the issue in the public domain."

Beginning in April 1992, the struggle against collaborators became a central element in both Hamas public relations efforts and in the organization's activity. By the end of 1993, 'Iz a-Din al-Qassam squads had killed more than 150 suspected collaborators, nearly all of them in the Gaza Strip.

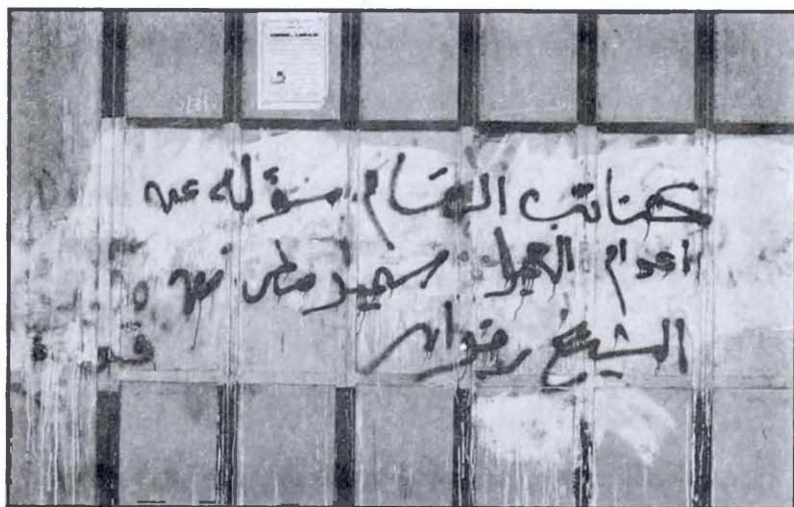
Beginning in May 1992, the killing of suspected collaborators became a cardinal issue in the intra-Palestinian struggle. On June 21, 1992, Hamas issued a special manifesto, titled "The Current Priorities of Islamic Jihad." This was a reaction to statements condemning the murder of suspects made by Palestinian personalities identified with the Unified National Command, such as Dr. Khaider 'Abd a-Shafi and Faisal al-Husseini. The Hamas declaration asserted:

[...] And recently voices have been heard which by their calls are trying to divert the Intifada from its path and thwart the goal of our courageous people's struggle, voices emphasizing for all to hear what is bad about the Intifada, while they themselves are more responsible than anyone else for this. They stress the punishments which were mistakenly meted out to the collaborators with the enemy, as though the tragedy of the Palestinian people lay in these mistakes and not in the chain of murders committed by the enemy's soldiers... . Our enemy... seeks to sow confusion, instigate internal strife among us, and break the ranks... all with the goal of frustrating the blessed Intifada and diverting it from its path, weakening its deterrent strength against the dangerous collaborators, and harming all the people of freedom and honor... .

Hamas accepts the need to organize and regulate the punitive actions against the collaborators, and calls on all the Palestinian factions to apply the rules of the *Shari'a* [Islamic religious law], including the law referring to the punishment of a collaborator, who is considered the enemy's observing eye. That collaborator

serves the enemy as an ear attuned to the words of the people of freedom and honor and the struggle of our courageous people. The most important of these laws is that an individual shall not be executed solely on the basis of suspicion, but must first be warned.<sup>43</sup>

A more sharply worded circular was issued on June 28, 1992, and distributed by the "Battalions of the *Shahid* [Martyr] 'Iz a-Din al-Qassam." It was headed: "Let the voices of those granting protection to the collaborators fall silent, for those who mourn their death are themselves collaborators." This circular, which was distributed in the streets of Gaza, attacked those who demanded a halt to the murder of collaborators, and especially the Palestinian Communist Party, which was perceived to be behind the campaign to put a stop to the murders. The declarations were backed by deeds: on June 11, 1992, two suspected collaborators were killed in Gaza and their bodies left outside the home of journalist Tawfiq Abu Husa, who was active in the campaign against the killings. A message was scrawled on the wall across from his apartment: "This is a holiday gift to Tawfiq Abu Husa



Slogan on a shop door in Gaza: "The al-Qassam troops are responsible for the execution of the collaborator Samir Matar from Sheikh Radwan [a Gaza neighborhood]."

43. "Current Priorities in the Palestinian Struggle," Hamas manifesto, June 12, 1992.



from the Battalions of 'Iz a-Din al-Qassam."<sup>44</sup> The longer the Intifada continued, the sharper became the dispute between Hamas and the PLO over the collaborators. In July 1992, the monthly *Muslim Palestine*, identified with Hamas, published an article entitled "The Issue of the Collaborators, Media Noise versus Concrete Treatment." The article explained the gravity with which Hamas viewed the role being played by the collaborators in Palestinian society, and stressed the difference between Hamas' handling of the issue and the attitude of the nationalist groups:

The way in which Hamas deals with the collaborators is the right way, since it is based on pure Islamic foundations, and therefore no irregularities have been recorded against the movement... . We reject intimidation with fire during the interrogation, as practiced by others, who in the prisons have gone so far as to heat up plastic utensils in fire and place them against the chests of suspects, burn them with cigarette butts, and other loathsome methods... . According to our principles, a collaborator must not be put to death until after the approval of several committees which include clerics. How is it possible to compare this with shedding the blood of dozens who have been put to death because of personal affairs which are unrelated to collaboration or to anything else?

The signing of the Israel-PLO Declaration of Principles intensified the Hamas-PLO dispute, one element of which remained the question of how to deal with collaborators. In the month following the signing of the declaration, at least twelve Palestinians were killed by other Palestinians, the majority by Hamas activists. On October 17, 1993, some 500 Fatah supporters in the Gaza Strip demonstrated against the killings. This followed a weekend during which four suspected collaborators were killed in the Gaza Strip. 'Iz a-Din al-Qassam squads took responsibility for three of the murders. Talal Abu Sabitan, from the PLO bureau in Gaza, stated: "Hamas should inform us of its suspicions before deciding to execute any Palestinian. It is not Hamas but the Palestinian authorities – when they will be formed – who are entitled to decide the fate of individuals suspected of collaborating with Israel."<sup>45</sup>

Clearly, then, Hamas takes a principled stand – overt, consistent, and unrelenting – in favor of killing collaborators. Its definition of collaborators includes also political and ideological adversaries, as well as individuals who behave immorally in Hamas' perception. Throughout

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44. *Ha'aretz*, June 14, 1992; *Ma'ariv*, June 13, 1992; *Yediot Aharonot*, June 13, 1992.

45. *Al Hamishmar*, October 18, 1993.



the Intifada, Hamas members, especially the 'Iz a-Din al-Qassam squads, have killed many dozens of Palestinians suspected of being "security" or "morals" collaborators. The Hamas leadership stands behind these killings, and is therefore responsible for the execution of dozens of people without trial.

In late November 1993, Hamas distributed a circular announcing a two-month suspension in the killing of suspects, during which they would be given the opportunity to repent. Despite this, Hamas activists continued to kill suspected collaborators in December 1993 and in January 1994.

In a conversation with **B'Tselem**, Hamas leader Sheikh Ahmad Yassin stated that Hamas would stop killing suspected collaborators upon the establishment of the Palestinian self-governing authority, even if that body is headed by 'Arafat. (The text of the interview with Sheikh Yassin is appended to this report.)

## Conclusion

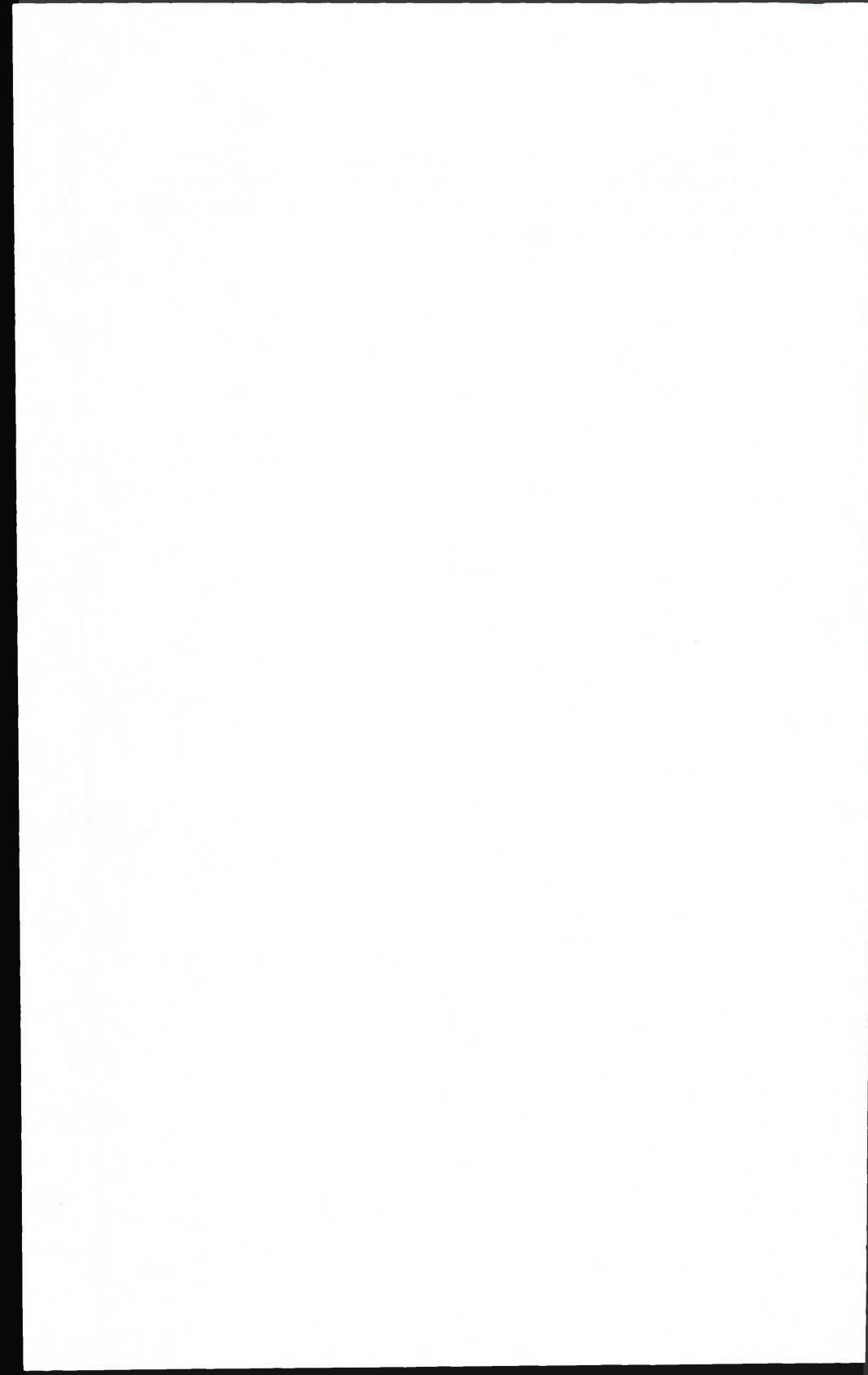
The leaders of the Palestinian organizations are well aware of the severe infringements of human rights that their colleagues are causing by using torture to interrogate suspected collaborators and executing them without trial.

The leadership's approach to the killing of suspected collaborators changed during the Intifada. The leaders of some organizations encouraged or tried to limit the torture and execution of collaborators in various periods. Still, three elements have remained constant, and common to all the organizations, at least until recently:

- (a) No organization halted, or threatened to halt, financial support for an affiliated group that tortured or executed suspected collaborators.
- (b) No organization punished, or threatened to punish, affiliated individuals or groups who tortured or executed suspected collaborators.
- (c) No organization severed, or threatened to sever, its ties with an affiliated group whose members tortured or killed suspected collaborators.

Based on the above, **B'Tselem** states that even if the leadership of Fatah or Hamas cannot be held directly responsible for every act of torture or every execution without trial of a suspected collaborator, the Palestinian organizations bear at least indirect liability for these infringements of human rights.

The PLO's statement in September 1993, and that of Hamas in November 1993, that they were ceasing to punish collaborators, were a welcome step as far as they went. To date, it has not been fully implemented: the killings continue.

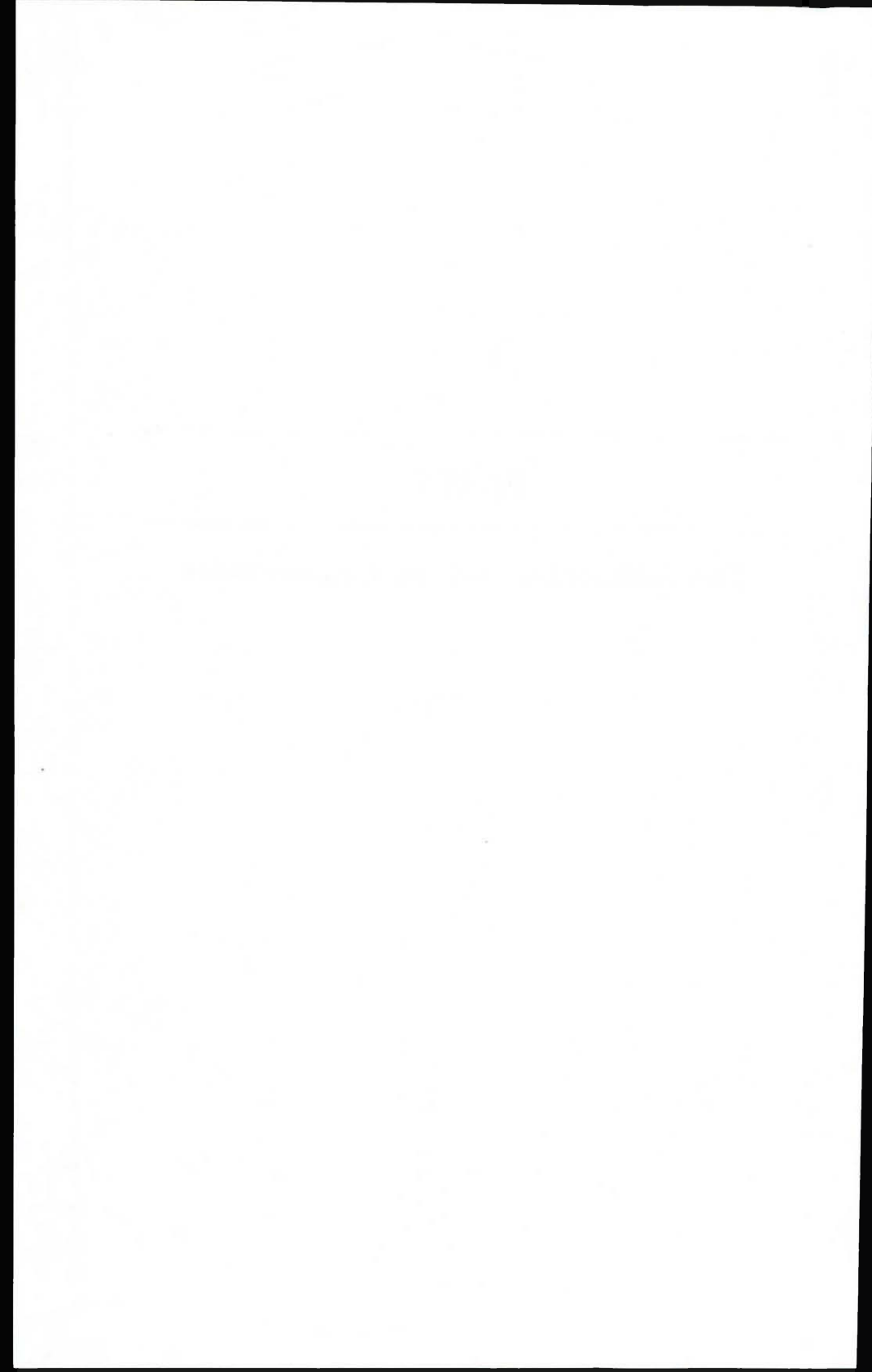


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## **PART E**

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### **The Authorities and the Collaborators**



Part A of the report described two aspects of the relations between the authorities and the collaborators: the mode of recruitment of the latter, and the authorities' enforcement – or lack of enforcement – of the law against collaborators suspected of criminal offenses. The two topics were discussed separately at the beginning of the report, describing the emergence of the collaboration phenomenon in the territories, and the reasons for the hostility collaborators arouse in the local population.

This section deals with additional aspects of the relations between the authorities and the collaborators: their punitive policy toward Palestinians suspected of attacking or trying to attack suspected collaborators, and the question of protection, rehabilitation, and assistance given Palestinians defined as being at risk.



*Armed collaborators at the entrance to the Fahmah Camp, West Bank  
(Photograph by Nitsan Shorer)*



# 1. Punitive Policy Toward Palestinians Suspected of Attacking Collaborators

The authorities take a serious approach to attacks on collaborators. The perpetrators are categorized as "wanted," and the security forces spare no efforts to apprehend them. Individuals who are arrested for such offenses are tried and punished severely. The IDF Spokesperson told us that "to date, hundreds of Arab residents have been put on trial for involvement in the murder of their brethren."<sup>1</sup>

In July 1992, the Supreme Court stiffened the punishment of Muhammad 'Anizan and 'Azzam Ghul, from the Red Eagle cell, who had each been sentenced to ten years in prison by the Jerusalem District Court for attacking four suspected collaborators. The State Attorney's Office appealed the lightness of the sentence, stating that "attacks on suspected collaborators have become a frequent offense which should be combatted by means of deterrent and cumulative punishment. Proper weight should be given the fact that the attacks on collaborators constitute an attempt to undermine the Israeli rule of law on the one hand, and to strengthen the phenomenon of non-cooperation with the authorities on the other hand." The appeal was accepted and the prison terms of the two men were increased to fourteen years. The Supreme Court stated that the punishment meted out by the District Court "is not appropriate, cannot deter, and is not a suitable expression of society's repugnance at this kind of criminal behavior. These deeds deserve a vigorous and deterrent punitive response, as a matter of normative policy."<sup>2</sup>

In addition to lengthy prison terms, the houses of many Palestinians who attacked suspected collaborators were sealed or demolished during the Intifada. In the past six years, at least 155 houses were demolished and 130 sealed for this reason.<sup>3</sup> Demolition or sealing of houses, which **B'Tselem** has repeatedly condemned, constitutes collective punishment of the suspects' families.<sup>4</sup>

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1. Letter by Lt. Gen. Rami Kedar, head of IDF Spokesperson's Information Branch, to **B'Tselem**, August 31, 1992.

2. Quoted in *Davar*, July 9, 1992.

3. We do not have complete information on the reasons for the demolition or sealing of houses; consequently, the number of houses demolished or sealed for these reasons may be higher.

4. See, among others, **B'Tselem**, *Violations of Human Rights in the Territories 1990/91*, pp. 31-46.

Following the signing of the Israel-PLO Declaration of Principles, the two sides agreed on arrangements by which wanted individuals would receive amnesty. Several dozen such individuals who were identified with Fatah cells laid down their weapons and turned themselves in to the Israeli authorities. They were interrogated briefly and released. According to press reports, Israel decided that only wanted individuals who were not involved in the killing of Israelis would be eligible under this arrangement.<sup>5</sup> It is not clear whether the Israeli authorities are prepared to grant amnesty also to wanted individuals suspected of killing Palestinians whom they believed to have been collaborators. On November 28, 1993, **B'Tselem** asked the IDF Spokesperson to clarify the authorities' policy on granting amnesty to wanted individuals who had killed suspected collaborators. No reply was received.

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5. *Ha'aretz*, November 28, 1993.

## 2. Protection, Rehabilitation, and Assistance to Collaborators

The State of Israel is responsible for the well-being and security of all residents of the territories. As for the collaborators, the authorities clearly have a salient duty to provide them with effective protection against attempted attacks, since their lives are at risk because of their activity as Israeli agents. The authorities are also responsible for rehabilitating collaborators who were exposed to danger in their locales.

In this connection, Haim Yisraeli, assistant to the defense minister, told **B'Tselem**:

The defense establishment, in all its branches, assists the rehabilitation of *sayanim* who suffered bodily harm or property damage as a result of cooperating with [Israel], or regarding whom there is reason for concern... because of that activity. Rehabilitation assistance is given according to clear and permanent criteria either to the victim or his surviving relatives. Rehabilitation assistance is given with the goal of enabling the *sayan* and his family to live securely in their own place of residence or elsewhere in the territories, and if necessary in Israel, and to live respectably.<sup>6</sup>

In 1990, Defense Minister Moshe Arens set up a committee to examine the situation of the *sayanim* and make recommendations. The chair, until late 1991, was Brig. Gen. (Res.) Hayil Salah. The committee examined who among those who had been killed as suspected collaborators had actually been employed by one of the Israeli agencies involved in such operations, and addressed the problem of coordination among the various agencies on dealing with the collaborators.

In a conversation with **B'Tselem** on June 19, 1993, Brig. Gen. (Res.) Salah defined two categories of persons entitled to assistance from the state – *sayanim* and those at risk:

When I say *sayan*, I am referring to those who give information to one of the intelligence bodies or who work with the Civil Administration. A former policeman, whose life may be in danger because of his past, is not a *sayan*, but he is at risk. A

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6. Letter by Haim Yisraeli, assistant to the defense minister, to **B'Tselem**, November 19, 1993.

land broker is not a *sayan* because he sold land to someone from Kfar Saba and not to the government; though he may be at risk, he is not a *sayan*. An individual at risk is anyone who once worked for the Civil Administration, who was once a policeman, whoever is the subject of graffiti in the street.

But there is another phenomenon – Palestinians who claim they are presently *sayanim* or were in the past – but when you check, you find something else. I met in Hebron with a group of sixty residents who claimed to be *sayanim*. I spoke with them one at a time, and of the sixty only six were really *sayanim*, and the rest wanted to take advantage of the opportunity to receive a little assistance. [For example] a person provided information once and was paid for it, but he was not listed anywhere as a *sayan*. The *sayanim* of the GSS and the army are taken care of and receive exceptional treatment... . There is no such thing as someone who once worked with the GSS without any record of it. The GSS has a unit that deals with the rehabilitation of *sayanim*. Anyone who says he worked for the GSS is checked out. There may be some who may have wanted to work with the GSS, but in practice did not. Many try to get assistance with no justification... . The Civil Administration also gives its people excellent treatment. Sometimes the Civil Administration wants to warn people that they are at risk, but it has a problem with those who have been warned but do not want to be considered part of that category.

According to Brig. Gen. (Res.) Salah, the committee submitted recommendations for improving the rehabilitation of exposed collaborators and for improving the coordination between the different agencies who work with them. The committee also tried to set criteria for arming collaborators.

The committee continued to function after submitting its recommendations, but its objectives were redefined. It was now given the task of dealing with those collaborators for whom no agencies took responsibility. The committee was transferred to the Office of the Coordinator of Activities in the Territories, and the new chair was the deputy coordinator at that time, Brig. Gen. Freddy Zach, who was replaced in late 1992 by Brig. Gen. Aryeh Ramot. The latter told **B'Tselem** on August 8, 1993:

The GSS periodically issues an updated list of individuals who are at risk. Our task is to call in those individuals and warn them that their lives are in danger. Some of them do not want to accept the warning. Those who are at risk are given solutions: distress buttons, a weapon, or other solutions. When we discover that a

particular individual at risk has ties with one of the bodies [i.e. GSS, IDF], we approach that body.

Many of those at risk have a criminal or security background, a fact which makes it difficult for us to decide whether to issue an entry pass to Israel, for example... . My hands tremble when I have to issue an entry pass to Israel to someone with a criminal record. The problem with the work permits is that some of those who request them have no Israeli employer. The law requires that only Palestinians who are requested by an Israeli employer may receive a work permit. Nevertheless, we reached an agreement with Labor Minister Ora Namir that collaborators can enter Israel even without being requisitioned by an Israeli employer.

During the year that I have been responsible for the committee, we have had to deal with only about sixty cases. The issue could become a real problem if the autonomy regime is implemented, because the people who worked with us are liable to be harmed, and we will have to provide solutions for more people. An inter-ministerial committee is now doing staff work with the aim of formulating a contingency plan for that kind of situation.

Of course, many *sayanim* have complaints. The exposed *sayan* loses his whole world – house, land, friends. Nothing you can do will give him back what he had. Many *sayanim* received one-time payments from us of tens of thousands of dollars, and lost it playing cards, using drugs, or in drink. Then they come back to us [to ask for more assistance].

I do not know whether there is a supreme coordinating body that is responsible for the whole subject of collaborators. At this time an examination is underway of all the criteria for rehabilitation.

## **a. Protection and Rehabilitation in the Territories**

According to the IDF Spokesperson, from the beginning of the Intifada until the end of November 1993, 942 Palestinians were killed by other Palestinians as suspected collaborators. The Defense Ministry reports that 35-40 percent of these had ties with an Israeli governmental body.<sup>7</sup> It is clear from the data, then, that in many cases the authorities

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7. Letter by Haim Yisraeli, assistant to the defense minister, to B'Tselem, September 21, 1993.

were incapable of protecting collaborators. The failures took the form of unwillingness to come to the help of collaborators who were under attack, or delays in proffering assistance. In some cases the explanation given for the failure to help was difficulties of access to the site of the incident, or fear of involving the army in a confrontation with local residents. These arguments are insufficient. Just as it is not reasonable for the IDF to abandon an Israeli citizen in the territories whose life is in danger, citing objective difficulties, so one cannot accept the authorities' explanation that the IDF could not reach and extricate a collaborator because of difficulties of various kinds.

During the six years of the Intifada, there have been at least ten lynchings in the territories, in which a mob attacked a suspected collaborator, generally after placing his house under a prolonged siege.<sup>8</sup> The following examples describe cases of lynch against armed collaborators who were left unprotected by the authorities.

On February 24, 1988, Muhammad 'Ayid Zakarnah, an open, armed collaborator, was killed in the town of Qabatia. His house was attacked for more than four hours by thousands of local residents. The security forces did not come to his aid, even though they knew his life was in danger. Only after he was killed and his body strung up on an electricity pole did the security forces enter the town and make arrests.<sup>9</sup> It could be argued, perhaps, that this was the first time a collaborator was killed, and the security forces were unprepared, but it was not the last incident of its kind.

Ashraf Gharbali, age 25, was killed in August 1990 by residents of the Shabura refugee camp in Rafah. A.B., a neighbor of the Gharbali family, told **B'Tselem** on August 20, 1993, that at the start of the Intifada Gharbali, a collaborator armed with a pistol, had moved to Dahaniyeh, a protected camp for collaborators in the southern Gaza Strip (see below).

According to A.B., Gharbali had been an undercover agent and recruiter of other collaborators before the Intifada. During the Intifada he was detained by the security forces and then planted as an undercover agent (*asfor*) in detention facilities in order to extract confessions from prisoners. He was also suspected of threatening families of wanted individuals, such as the family of Yasser Zanun (from the Black Panther cell in Rafah) and of writing slogans and distributing forged leaflets.

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8. According to the Institute of Forensic Medicine, several lynch victims were left dangling on poles for three or four days before being discovered by the IDF. See *Hadashot*, June 15, 1993.

9. Testimonies of the murdered man's family to **B'Tselem**, June 28, 1992, and *Ha'aretz*, February 28, 1988. (The case is described in Part C, Ch. 4.)



On August 25, 1990, Ashraf, taking advantage of the fact that most of the camp residents were at prayers, came from Dahaniyeh to visit his family. However, his house was under surveillance by an activist of the Rafiq a-Salamah cell, which took up positions around the house shortly after Ashraf's arrival. They demanded that he surrender his pistol, but he responded by opening fire. His father tried to make him stop by standing in his way, and took a bullet in the shoulder.

One of the cell members threw a grenade, but it failed to explode. By now, hundreds of worshippers had left the mosque and were streaming toward the site of the incident. Gharbali kept firing his pistol in an effort to protect himself, but finally he ran out of ammunition. The mob then stormed the house. Gharbali fled to the roof but tripped and fell into a neighbor's house, where the mob began to kick him and attack him with stones and sticks. According to the testimony, the neighbor tried to intervene, fearing that he would get into trouble with the authorities, but Gharbali was beaten to death. His body was so battered that it was almost unrecognizable. His family retrieved the body and took it back to their house, followed by large numbers of onlookers. The crowd wanted to hang the body from an electricity pole, but large army forces arrived and imposed a seven-day curfew on the Rafah area. During the week of the curfew the army interrogated most of the inhabitants of the Shaburah refugee camp, especially those age 16-40, and made about 130 arrests. The GSS was unable to determine with certainty who had actually taken part in the murder, nor could its agents locate the pistol. After the curfew was lifted, the Rafiq a-Salamah cell issued a statement claiming responsibility for the killing.

The army in the Rafah area learned about the attack on the collaborator's home while it was still in progress. At 2:15 p.m. Ashraf's brother arrived at Military Government headquarters in Rafah and informed the army about the attack by masked individuals. He said that Ashraf was hiding in a lavatory behind an iron door and could still be rescued. This information was transmitted to the sector commander by telephone, but the army did nothing until 4:15 p.m., when news of Ashraf's death arrived. After the matter was raised in the Knesset, an examining officer was appointed. He found that there had been a failure in the relay of information to the army unit closest to the site of the incident.<sup>10</sup>

An important element in the rehabilitation of collaborators whose identity has been exposed is their transfer to a new place of residence

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10. Based on an official IDF investigative report of August 25, 1990, released to then-MK Elyakim Haetzni.

where they and their families face less danger. During the Intifada hundreds of collaborators and their families were moved to Israel. Hundreds of others found a haven in two villages in the territories: Fahmah in the northern West Bank, and Dahaniyeh in the southern Gaza Strip.

## **Fahmah**

In the early 1970s Israel began an operation [which ultimately broke down] to move thousands of Palestinians from the Gaza Strip to Fahmah, an abandoned Jordanian Army camp in the northern West Bank. Nearly all those who were resettled at Fahmah were either evacuees from Gaza Strip refugee camps, or collaborators – both open and exposed – from the Gaza Strip. By the end of 1993 there were several dozen collaborators and their families living at Fahmah, in addition to a few families from the 1970s' evacuees.<sup>11</sup>

In December 1993, **B'Tselem** visited the Fahmah camp. In earlier talks with **B'Tselem** (May 15, 1992; August 12, 1993) the *mukhtar*, Ahmad Hamarshah, had described the conditions in the camp:

More consideration should be shown for the residents here than in the other villages, because they devoted their lives to the state. Most of the houses we left were burned down. Anyone who left land, olives, or property – everything went. I received a house here from the state, part of an abandoned property. So far I have received 20,000 shekels to renovate the house, but they have promised more. I have a monthly salary from the GSS. I do not work anywhere else.

There are people here who have stopped being active collaborators because they are far from their area of operation or because of fear and the desire to protect their families. Everyone who deserved it received money to renovate, but not everyone received the same thing. It goes according to the size of the family. I have a large family,

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11. According to evidence in our possession, Moshe Dayan, while serving as minister of defense, set up a secret unit affiliated with the Defense Ministry, as part of a large operation to transfer tens of thousands of Palestinians from the Gaza Strip to the West Bank. The purpose was to thin out the population in the Gaza Strip. After a few thousand Gazans had been moved to Fahmah – some of them displaced by Israel's widening of access roads in Gaza Strip refugee camps – the operation was halted and the unit disbanded. The operation failed primarily because of opposition displayed by the evacuees and the high costs. (Information given to **B'Tselem** by Y.'A., a former officer in the secret unit, in a conversation that took place on October 21, 1993.)

three children and a mother. Some have only a wife and two children, so they don't need a big house. Whoever can make do with 5,000 shekels gets that amount. The amount is determined also according to the collaborator's contribution.

## **Dahaniyeh**

Dahaniyeh is a Bedouin village established near Rafah by the Israeli authorities in 1975 in order to rehabilitate Bedouins who were evacuated from their lands in the area.<sup>12</sup> A few dozen Bedouin families were moved to the village and received state lands for agricultural use. The first houses were erected by the Military Government in the mid-1970s. Following the Israeli withdrawal from Sinai, from 1979 to 1982, families of Bedouin collaborators from Sinai were also resettled in the village. During the Intifada a few dozen collaborators' families from the Gaza Strip found shelter at Dahaniyeh. Nearly all the collaborators in the village carry a weapon by permit. The village is ringed with barbed wire and is on the border with Egypt, near Rafah. A permanent IDF checkpoint is located at the entrance and only individuals with a special permit from the Civil Administration are allowed through. In October 1993 Dahaniyeh had a population of about 700; in December 1993 most of the collaborators were moved to Israel.

Residents told a **B'Tselem** representative who visited the village that despite the security, a wanted individual, Yasser Abu Samhadanah, from the Fatah Hawks, had entered the village several times to kill suspected collaborators. The families of six men who were killed in Dahaniyeh left the village and returned to the Gaza Strip. Some of the collaborators in the village were given Israeli ID cards and moved to Israel, living mainly in the vicinity of Arad and Beersheba.

Collaborators' families receive partial assistance from the Civil Administration in the form of food and money. Those who remain in the village complained to the **B'Tselem** representative that they are subjected to humiliating and demeaning treatment by local institutions, such as the school, clinic, food stores, and so forth, at the hands of the veteran Bedouin population.

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12. The description of the village and the circumstances of its establishment are based, among other sources, on a visit by **B'Tselem** fieldworkers there on October 20, 1993, and on a conversation between a **B'Tselem** representative and Maj. Gen. (Res.) David Maimon, a former military commander of the Gaza Strip and governor of Gaza in the 1970s. The conversation with Maimon took place on October 24, 1993.

At the time of **B'Tselem's** visit, on December 26, 1993, there were still ten families of collaborators in the village. Some of the collaborators from the territories complained that those attacked and in need of rehabilitation, or those who wished to stop working with the GSS, were neglected by the security forces. The collaborator A.D. told us on August 21, 1993:

No, they [the GSS] do not force you to work with them. On the contrary, their interest is to have people work with them only from their own free will. But on the other hand, I know what happened to collaborators who broke their connections with the GSS. There were agents that I recruited, and one day they decided to stop working with the GSS. Today they are treated like dogs. They have no Israeli entry and work permits, they have no exit permits to Jordan, and masked individuals are after them. They have no rest. Other collaborators who tried to sever their ties with the GSS suddenly discovered that their places of work in Israel received phone calls not to employ them.

### ***A.S., a collaborator from the Bethlehem area:***

A.S. worked for the GSS as an undercover collaborator from 1979 to 1982. In testimony to **B'Tselem** on May 16, 1993, he claimed that since 1989 he and his family had been subjected to attacks and threats by other Palestinians. As a result, the family moved to Qalqiliyah, but the attacks continued. A.S. returned to Bethlehem and in January 1993 applied to the Civil Administration for Israeli entry and work permits. After getting a lengthy runaround, he succeeded in arranging a meeting with Captain N., the GSS agent responsible for his area of residence. A.S. related:

I asked him, "What am I supposed to do, kill myself?" He replied: "Don't threaten me. If you want, go kill yourself," and gave me a permit for Tel Aviv marked "For commercial purposes only." That's the way it is, he said. A permit for commercial purposes means I have to go back to the territories every evening and I am not allowed to work. If I'm caught, I can expect a beating, a fine, and expulsion back to the territories. I have already been beaten by the police many times. If they send me back to the village, a death sentence awaits me there.

Two weeks ago I worked in a restaurant on King George Street, without a permit. The police came in for a check, and at the last minute I managed to escape. The police fined the owner 2,000 shekels for employing me.

Before, they could give me everything in the world. Now I don't interest them anymore. Once they would promise everything:

you want a driver's license, take it, you want a weapon, take it. Now they won't even give me an emergency telephone. All I want now is a permanent residence permit for Israel and a work permit.

**B'Tselem** took the case of A.S. to an Israeli cabinet minister. On June 13, 1993, the minister informed us that, following a clarification, it had been decided to grant A.S. a residence permit for Israel, which he could pick up at the Civil Administration office in Bethlehem. According to A.S., when he went the following day to the Civil Administration, he was told that they had no knowledge of any such permit. On June 20, he said, masked individuals again tried to attack him when he paid a night visit to his family. On October 21, 1993, A.S. told **B'Tselem**: "Masked individuals encircled the house at three in the morning. I jumped barefoot from the balcony. I fought with one of the masked individuals who grabbed me, but I managed to get away."

Not until a week later did A.S. receive from the GSS representative in the region a temporary permit to live and work in Israel, valid for three months only. He was told to apply again to the GSS agent twenty days before the permit expired in order to renew it. Upon doing so, he was told that the GSS coordinator in the area had been replaced. He was then referred to the Civil Administration, where he was told that they did not deal with such matters. Only after further requests and delays did A.S. receive another temporary residence-and-work permit for Israel.

In a meeting with Yizhar Be'er of **B'Tselem**, Brig. Gen. Aryeh Ramot stated that the problems that had arisen in the case of A.S. were related to his criminal record (A.S. denies this, saying that with the exception of a complaint filed against him when he was a minor and later dropped, he has no criminal record). "In this case," Brig. Gen. Ramot said, "after we removed the police restriction, we gave him a temporary residence permit for Israel. Afterward, if no problems arise, he will be given a permanent permit."

## **b. Rehabilitation in Israel**

During the Intifada a few hundred collaborators and their families received day-permits or residency permits for Israel. Most of them live in mixed Jewish-Arab cities: Jaffa, Haifa, Nazareth, Ramleh, Lod, and Beersheba. Others moved to villages in Galilee and the Triangle. Some of the rehabilitated individuals living in Israel have already received



Israeli ID cards, while others have been told that their cases are still being examined.<sup>13</sup> Living at the edge of Tel Aviv – Jaffa, for example, are a few dozen families that **B'Tselem** interviewed for this report. Other families are living, at the expense of the authorities, in cheap hotels in the central region as a temporary expedient. Dozens of families moved into empty apartments they received from the defense establishment but which were not registered in their names.

Collaborators who have moved to Israel have harsh things to say about their treatment at the hands of the authorities. 'A.H., a collaborator living in south Tel Aviv, told **B'Tselem** on December 27, 1993:

Ahmad Burini, a collaborator from the Balata refugee camp, lived with his wife and their three children in an apartment next to mine in the same building in Tel Aviv, to where we were transferred in 1988. In 1990 Burini was killed in a road accident and his wife remained alone with the children in the flat. One day I got a phone call from the GSS coordinator, who said: "Do me a favor, go to the next-door apartment and give Burini's wife 50 shekels so she can take a taxi and return to the village [in the West Bank] with her children." I said: "I understand that this is the price for the people who worked for you for so many years. Thank you very much," and I hung up. In the end she went back to the village with the children. All the help she got from the state added up to the cost of a one-way trip from Tel Aviv to the territories.

'A.H., born in 1956, has been an open, armed collaborator since 1974 in the Tulkarm area (see below). What follows is based on testimony he gave **B'Tselem** on August 4, 1993.

In 1988 'A.H. was kidnapped by Fatah activists, who took him to a cave in the hills and subjected him to a violent interrogation. His house was looted and torched, causing him, he estimates, hundreds of thousands of dollars in damages, for which he has received no compensation. After his house was burned down, he moved to Israel by permit. According to the estimate of an assessor (whose report 'A.H. showed **B'Tselem**) the direct damage to the house was about 150,000 shekels. 'A.H. said he asked the authorities to compensate him for the loss of his house and the contents, but received nothing. Since the end of 1988, within the framework of his rehabilitation, 'A.H. has lived in south Tel Aviv and carries an Israeli ID card. The GSS, he says, still calls him for various operations in the territories:

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13. Ahmad Hamarshah, *mukhtar* of the Fahmah camp, in a conversation with **B'Tselem** on December 19, 1993.



I have a lot of complaints about the way the authorities treated me. On the one hand, the GSS treated me okay. Like hundreds of other collaborators who were exposed and then rehabilitated in Israel – in Arab communities in Jaffa, Ramleh, Taibeh, Umm al-Fahm, Haifa, and Galilee – I also received an apartment, in Tel Aviv. The apartment belongs to Amidar [a government housing company] and is not registered in my name. Some of the collaborators here receive a regular monthly salary. I do not get a regular salary, but [was given] one-time assistance. I was given a certain sum to start, but it was very little compared with my needs and my contribution. I received money to buy a taxi, but after about two years I had to sell it because the fees for the taxi registration were tremendous. The renovation of the apartment, which was in very bad shape, cost me 60,000 shekels, and I paid for it out of my pocket. Today I have debts of tens of thousands of shekels, from the renovation. I couldn't live in it the way it was before. Look at the condition of the neighboring apartments of collaborators who were brought here and you will understand. [B'Tselem visited one of the neighboring apartments and found it in general disrepair as a result of years-long neglect.]

I arranged a monthly National Insurance Institute allocation for army veterans without any help from the GSS. The GSS never once agreed to assist me as I requested. They were always ready to give less and not everything at once. During the negotiations with them I wrote letters to a number of personalities, including Shaikeh Erez [former Civil Administration head in the West Bank], the chief of the GSS, and the defense minister, asking for the required help. When my operators from the GSS heard about it, they demanded that I not send the letters and promised me 30,000 shekels on that occasion. All I am asking is that they cover my debt. I worked twenty years for the GSS. Because of that I have to die of starvation? My children went through the whole winter with torn shoes. All you'll find in the refrigerator is sour cream. The dogs in Tel Aviv have a barber shop. My children haven't been to the barber for half a year. When I call the GSS they tell me: Don't worry, things will work out. But the help is never enough. I am sure they are doing everything so that I will remain dependent on them.

The thing that hurts me and other *sayanim* like me is that we see what Israel is offering the terrorists and the members of [those] organizations. The GSS is making very tempting offers to senior Intifada activists – for example, to open businesses and help underwrite projects they will direct. But us, their associates, they

forget. I swear to you that there were days in the winter when my children lay in bed and cried because there was nothing to eat in the house.

In November 1993, following the intercession of **B'Tselem** and others, the Defense Ministry helped 'A.H. pay his debts. In a conversation with **B'Tselem** on November 12, 1993, 'A.H. said he had received the assistance after threatening to go on a sit-down strike at the Knesset. The Defense Ministry, he says, gave him a one-time payment of 30,000 shekels and promised him a monthly salary of 1,500 shekels for an indeterminate period. In return he had to sign a waiver for any additional claims. Nothing was promised regarding compensation for his lost house and land in the village.

### **c. Protection and Rehabilitation of Collaborators after the Israel-PLO Accord**

**B'Tselem** estimates that there are still thousands of open or exposed collaborators in the territories who want to move to Israel. Our assessment is that the number of collaborators and their families in the territories totals between 30,000 and 50,000 people. Following the signing of the Israel-PLO Declaration of Principles, the defense establishment launched intensive discussions about their rehabilitation, and the issue was also one of the major subjects in the negotiations with the Palestinians. According to various reports, Israel insisted that the PLO grant general amnesty to the collaborators in the territories, and made this a condition for gestures such as the release of Palestinian prisoners. In the final days of October 1993, the Israeli delegation pressured its Palestinian interlocutors to publicly declare a general amnesty. The Palestinians refused. Their delegation head, Nabil Sh'ath, explained that only 'Arafat could make that decision and that he would do so only after receiving powers of self-government.<sup>14</sup>

In September-October 1993, staff work was carried out within the framework of a committee which is seeking a solution for collaborators whose lives are at risk. The committee is chaired by Maj. Gen. (Res.) Rafael Vardi and its members are from the IDF, the GSS, and other institutions. Press reports indicate that it intends to recommend the creation of a liaison committee to deal with all the collaborators and that many of them will remain under Israeli protection and be issued

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14. Naomi Levitsky, *Yediot Aharonot*, October 28, 1993.

Israeli ID cards.<sup>15</sup> A meeting held in the defense establishment on October 5, 1993, decided to establish a special directorate with the participation of the IDF, the GSS, and the Civil Administration to assist collaborators in the new situation.<sup>16</sup> In October-November 1993 the security authorities distributed forms to all Palestinians defined as collaborators, on which they were asked to indicate whether they wished to move to Israel before the implementation of Palestinian self-rule. The Vardi committee recommended that all recognized collaborators be granted a permit to reside in Israel and financial aid for their rehabilitation.

In December 1993, shortly before the agreed date for the start of the Israeli withdrawal from Gaza and Jericho, many of the open collaborators and their families from the two regions were moved to Israel. Collaborators who remained in the territories did so out of choice, or because they were suspected of criminal activity or were double agents, like R.Z., a veteran collaborator from Rafah whose weapon was confiscated by the GSS and who was prevented from entering Israel. The authorities say that they have information that R.Z. was in contact with the Fatah Hawks in Rafah including their commander, Yasser Abu Samhadanah, and even supplied them with arms. R.Z. himself confirmed to **B'Tselem** that he had been in contact with the cell, but said he had done this to protect his life.

During the Intifada hundreds of Palestinians who were suspected of collaboration, together with their families, were expelled from their villages and their homes were ransacked and torched. The question of compensation for the serious damage sustained by collaborators who were attacked remains open: no decision has been made on whether they will receive compensation, or how much, despite oral promises. In November-December 1993, collaborators who were expelled from their places of residence were asked to present assessors' estimates of property damage or loss. Ahmad Hamarshah, the only Palestinian who took part in the deliberations of the Vardi committee, told **B'Tselem** on December 16, 1993, that the committee had decided to defer discussion of the compensation question to a later stage. In the meantime, he said, the authorities had instructed the victims to try to sell their homes and property, promising that the difference between the payment they would receive and the estimate of the value of their property would be covered by the Israeli government. Thirty-eight of the collaborators who had been ejected from their villages tried to sell their houses, but the local strike forces threatened potential buyers and possible deals fell through.

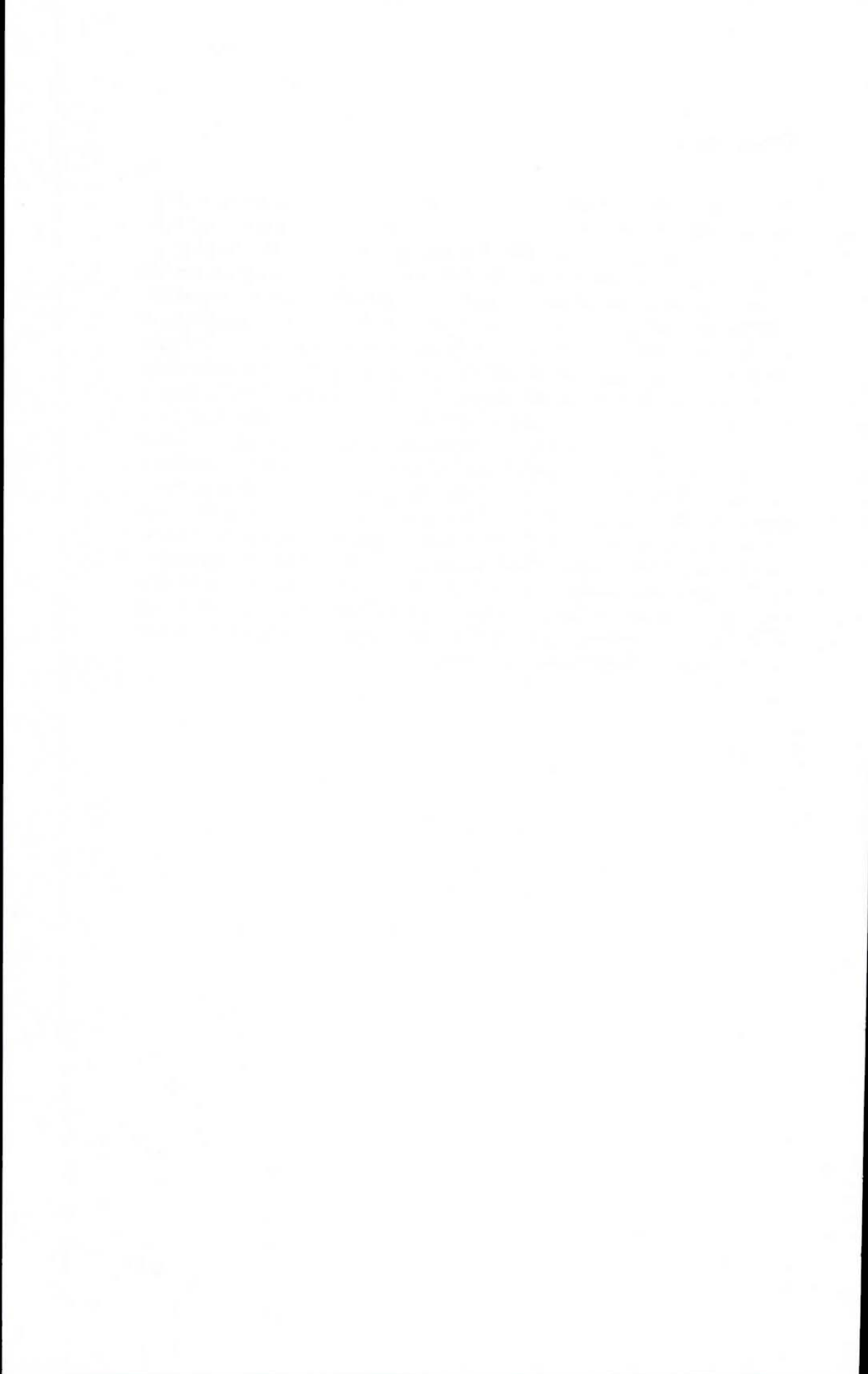
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15. *Ha'aretz*, October 4, 1993.

16. *Ha'aretz*, October 6, 1993.

## Conclusion

The Israeli authorities are responsible for the safety and security of all the residents in the territories. The authorities take various measures to ensure the well-being of the Palestinians whom they employ as collaborators or others whom they define as threatened, such as arming them, issuing them wireless radios, evacuating them to protected villages, or moving them to Israel. However, the fact that hundreds of Palestinian collaborators have been killed, as confirmed by the Defense Ministry, and continue to be killed, demonstrates that the authorities have failed in their protective efforts. For example, the security forces were late in coming to the rescue of collaborators under attack, refused to supply collaborators with permits to reside in Israel, or were negligent in safeguarding a protected village. The authorities sometimes display apathy to collaborators who have been exposed and have ceased to be of use to them. They are in no hurry to solve their problems, even when such delays can endanger the collaborators' lives. The authorities provide financial assistance to those who are evacuated to the protected villages or to Israel. But that assistance is usually meager in relation to the losses they have suffered as a result of losing their land, their home, and their property, and in some cases is not enough even for basic subsistence needs.

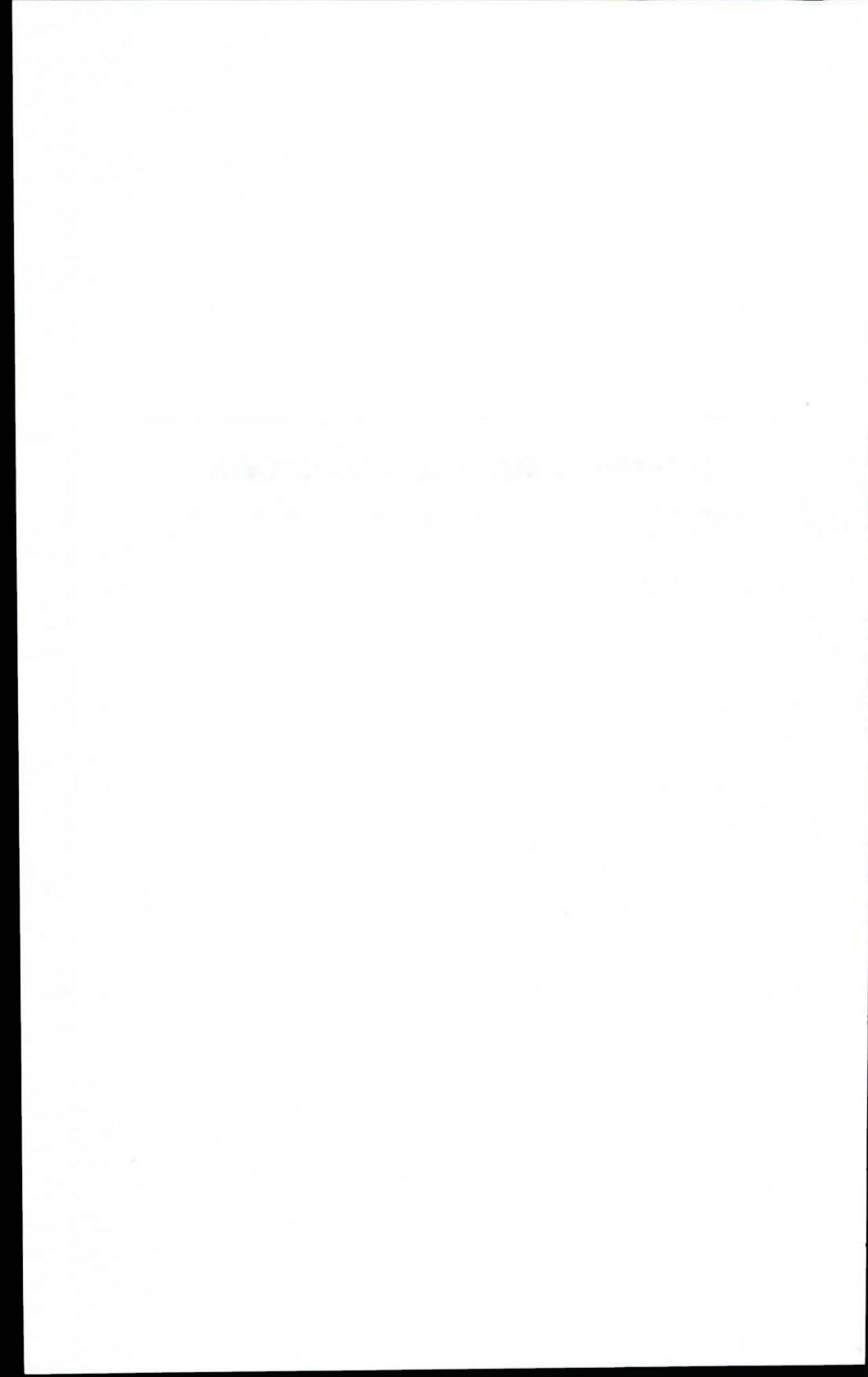


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## **SUMMARY AND CONCLUSIONS**

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This report presents an inclusive survey of collaboration in the occupied territories, and the human rights abuses and violations associated with the phenomenon. Human rights violations around the world are often justified by the pretext of a national state of emergency, existential danger, enemies from within or without, and other pressures. The Israeli authorities also invoke the special situation in the territories, and pressing security considerations, to explain the need to recruit collaborators by illegal methods, to employ them in violent interrogations of suspected security offenders, and in some cases to turn a blind eye at the non-work-related criminal offenses they commit. Similar reasoning is used by the Palestinian organizations in their activities against those they define as suspected collaborators, even though they use "collaborator" as a catch phrase that includes not only government agents, but also perpetrators of crimes or other types of deviant behavior, as elaborated in the report.

## 1. Palestinian Accountability

During the Intifada, many hundreds of individuals were tortured and killed by Palestinians because they were said to be collaborating with the Israeli authorities. Those responsible included not only the perpetrators themselves, but the Palestinian political organizations with whom the perpetrators were identified, and on whose political, ideological and fiscal support they relied.

The report shows that most of the attacks on suspected collaborators were carried out by cells closely connected with the various factions of the PLO. **B'Tselem's** research, and particularly the testimony taken from **B'Tselem** by cell commanders and members, show that the PLO leadership in Tunis is in contact with and finances local cells that are identified with the PLO. While it is true that many of these cells no longer accept the organization's authority as fully as in the past, and that some of them operate quite independently, as long as there is an organizational and financial connection between them, the leadership can be held responsible for their activity.

The PLO leadership and the Unified National Command of the Uprising have expressed reservations about some of the killings, imputing them to local groups which are not identified with them or did not obey their orders. On the other hand, Palestinian leaders have on various occasions urged that "warning procedures" be taken before every killing, suggesting that in certain circumstances they justify the killings.

Hamas, the largest of the Islamic organizations in the territories, is responsible for killing over 150 suspected collaborators. In contrast with the PLO leadership and affiliated cells, Hamas has taken a consistent and staunch public position in favor of the killing of collaborators. It is clear, from a conversation conducted by **B'Tselem** with the founder and leader of Hamas, Sheikh Ahmad Yassin, that Hamas not only justifies the killing of collaborators, it also takes responsibility for many of those killings.

Although several leaders of the Palestinian organizations publicly dissociated themselves from the torture and killing of suspected collaborators by Palestinians during the Intifada, none of the heads of these organizations made a sufficient effort to halt these actions, either by punishing those involved, by issuing warnings that they would be punished in the future, or by severing organizational ties with those responsible. The absence of an unequivocal condemnation by the Palestinian leadership, and its lenient attitude toward the perpetrators, were among the main causes of the legitimation which the attacks on suspected collaborators received among large sections of the Palestinian population.

The Palestinian political organizations, which seek political recognition and consider themselves the legitimate representatives of the Palestinians in the territories, are not exempt from the obligation to respect human rights. They bear responsibility for infringements of human rights carried out at their orders or with their explicit or implicit agreement. These organizations have argued that, in the absence of institutional tools of enforcement, the killing of collaborators is the only alternative available to the Palestinians in their attempt to confront the collaboration phenomenon. **B'Tselem**, however, strongly rejects these attempts to justify such grave violations as arbitrary killing, torture and cruel treatment. The fact that Palestinians live under military rule, where the slightest sign of opposition is punished with a heavy hand and the extensive assistance of collaborators, does not mitigate the severity of these actions. Severe violations of human rights are not justifiable in any situation or circumstance, no matter how difficult or extenuating.

Torture and killing, then, cannot be justified by citing a "state of emergency." The absence of alternatives for coping with the collaboration phenomenon does not validate such actions, nor can the damage caused to the Palestinian public in the territories excuse torture or the taking of human life. Moreover, the broad definition placed on the term "collaborator" by Palestinian organizations and their activists, and their *modus operandi*, led to the killing of hundreds of Palestinians who did not operate in the service of the security authorities. Many

were killed because their behavior was perceived as immoral or because they were considered "negative elements" in the society, or for other reasons. Some killings were carried out within the framework of internal disputes, or to settle personal rivalries, and were then portrayed as punishment for collaboration.

**B'Tselem** calls on the Palestinian political organizations that were involved in acts of cruel punishment, torture and killing as described in this report, to desist immediately from carrying out such actions or approving them, explicitly or implicitly, and to dissociate themselves in every way possible from the perpetrators. It is imperative that any steps taken against suspects be preceded by a fair procedure that meets minimal legal standards. As long as no such procedure is carried out, the organizations must refrain from taking any steps. In any case, even after such a procedure, imposition of punishments that constitute human rights violations remains absolutely prohibited.

**B'Tselem** welcomes recent statements in the name of the PLO and Hamas calling for an end to the killing of collaborators. At the same time, **B'Tselem** expresses its concern that despite these statements, the killings are continuing.

## **2. Responsibility of the Israeli Government**

Although Israel does not bear direct responsibility for the torture and killing of collaborators, its actions and its failure to act in a number of aspects related to the collaborators contravene its obligations according to international law and general principles of justice. The report shows that many of the methods used by the security authorities to recruit collaborators, such as pressure, threats, extortion, and making the granting of services or permits conditional on assistance to the authorities conflict with international law and violate human rights.

Many of the actions carried out by the collaborators as agents of the state violate human rights. An example is the use of torture and other unacceptable methods by collaborators who take part in the interrogation of Palestinian detainees as agents of the security authorities. International law unequivocally and absolutely prohibits the use of torture and maltreatment during interrogations, under any circumstances. Israel violates this prohibition both when members of the security forces themselves resort to unacceptable means of interrogation, and when such methods are used by collaborators who are sent to extract confessions.

The responsibility of the authorities is not confined to actions which the collaborators commit as their agents. The authorities have the duty to take measures to prevent collaborators from committing criminal actions and to try those responsible. The investigation shows that collaborators were frequently implicated in criminal offenses, such as forgery, fraud and violent crime. There is no consistent policy of law enforcement in criminal cases involving collaborators.

To enable collaborators to protect themselves against attacks by other Palestinians, the authorities supplied many of them with weapons for self-defense. As the report documents, collaborators frequently used those weapons illegally, to threaten, wound, or even kill other Palestinians. In many cases, the authorities turned a blind eye to such abuses and did not bring the full rigor of the law to bear on the perpetrators. According to international law, Israel is obligated to ensure the safety and security of all residents of the territories, impartially and without discrimination.

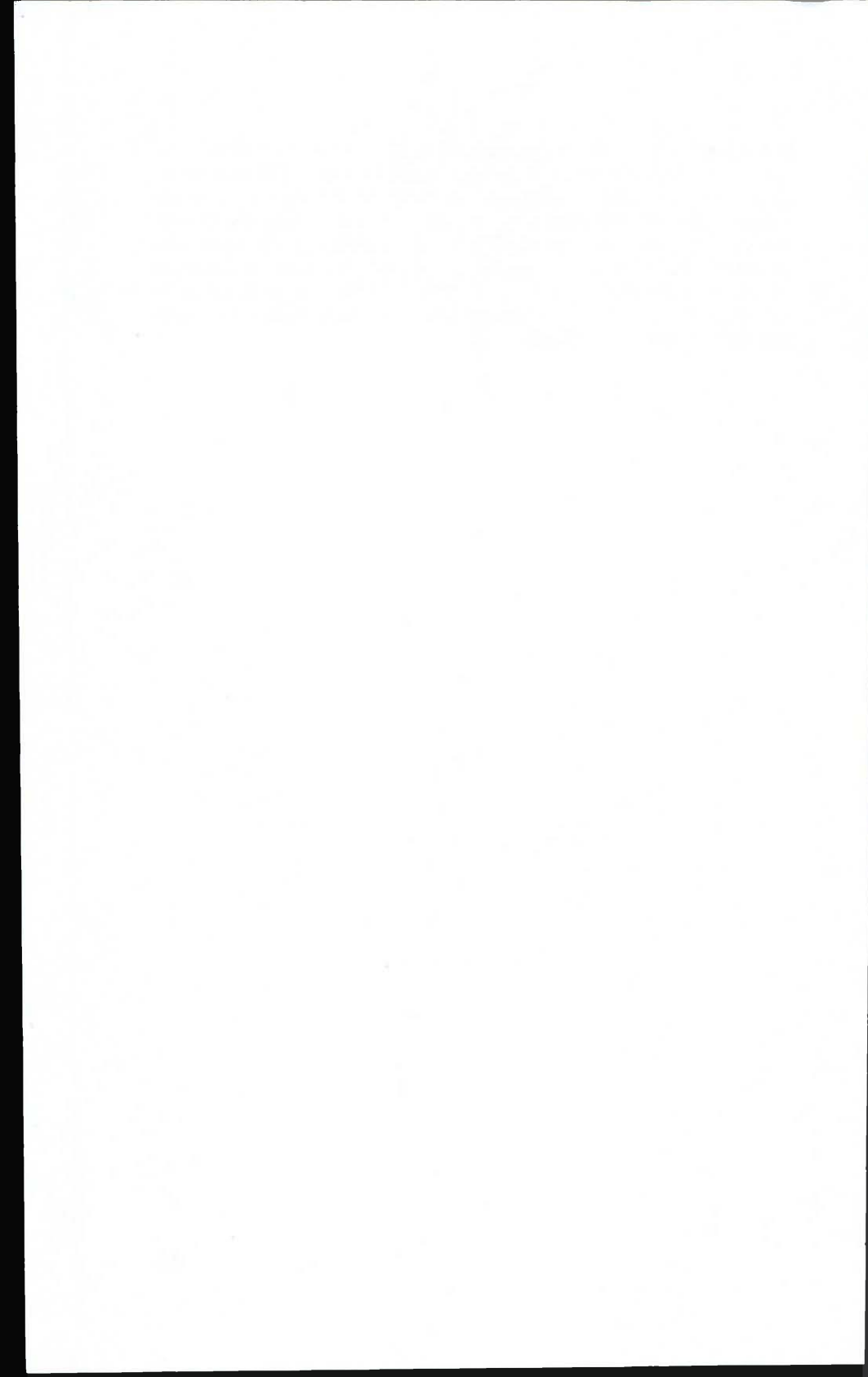
The mechanisms of the Military Government, which are responsible for providing services to the population, are not fulfilling their duty properly. This situation, combined with the vast dependence of the Palestinians in the territories on the branches of the Military Government, led to the emergence in the territories of an institution of "lobbyists," collaborators and individuals with close ties to the authorities who, for a price, act as go-betweens and obtain services and permits needed by the local residents. Often, granting of a service, permit or license is conditioned on the applicant's agreement to collaborate, rather than the administration's operating according to uniform and substantive criteria. Recruitment of collaborators through pressure, exploitation of personal strife, and making supply of essential services dependent on collaboration, contravenes international law.

As part of their obligation to ensure the safety and security of all residents of the territories, the authorities should provide adequate protection to Palestinians suspected of being collaborators, whether they actually worked for the security authorities or were exposed to danger for other reasons. The number of Palestinians killed for suspected collaboration during the Intifada points to a *prima facie* failure in the realm of protection.

As for Palestinians who have attacked suspected collaborators, the authorities make efforts to apprehend, try, and punish those involved. Frequently, however, the authorities react excessively and resort to unacceptable measures, such as collective punishment, especially the demolition or sealing of suspects' houses. Some of those sought on suspicion of attacking suspected collaborators were declared wanted individuals and some were even killed by the security forces.

**B'Tselem** calls on the government of Israel to cease immediately the use of unacceptable methods to recruit collaborators. The authorities must also stop using collaborators to carry out actions which violate human rights, as they must cease to carry out such actions themselves. One uniform law must be applied to all residents of the territories, impartially and without discrimination, in a manner respecting the rights of every individual. Israel must provide effective protection to Palestinians suspected of collaboration, and rehabilitation for those attacked or exposed to threats.





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## **APPENDICES**

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1

## **Appendix A**

### **Faisal al-Husseini on the PLO's position concerning the killing of suspected collaborators**

*The interview took place on May 19, 1992. Interviewer: Dr. Saleh 'Abdel-Jawad. Ha'Aretz correspondent Yossi Torpstein also took part in the interview. Excerpts from the interview were published in Ha'Aretz of June 1, 1992.*

**Since July 1989, the PLO and Yasser 'Arafat himself have issued statements intended to make the killing of collaborators subject to decisions of the Unified National Command. 'Arafat has even declared that the authority to execute collaborators rests with the Command. Can you explain the background to this development?**

Certain small groups realized that the Unified Command was not issuing orders to punish collaborators, so they decided to do it themselves. The Command was supposed to announce that investigations had been undertaken, and it had been found that such-and-such a person was responsible for particular acts, and should be punished in a certain way. But they failed to do so. Naturally, if those involved fail to reach a decision, others will do so. Take the example of the events in Los Angeles (following the acquittal of four white policemen accused of severely beating Rodney King, a black motorist). People rioted after the American legal system failed to punish the policemen. Therefore, the Unified National Command's decision to refrain from killing unfortunately led to an outbreak of this phenomenon.

**Does the PLO have a clear policy on the subject of collaborators?**

The PLO has a revolutionary court that includes a prosecutor, and so forth, as is the case in Lebanon. It also has laws, but these cannot be implemented under occupation.

**Does the killing of suspected collaborators take place according to these principles?**

Occasionally the killings have been perpetrated by responsible activists, well-versed in the intricacies of law, but this is not always the case. Today, the groups in the territories which act

under the hierarchical framework of the organizations have stopped killing collaborators, but the smaller groups which act outside these frameworks are continuing to do so. Sometimes, young people decide that they belong to one of the organizations, and they begin to act and place the responsibility on that organization. We still need public opinion and public criticism in order to influence those who are still carrying out these acts.

**What is your position regarding the principle behind this issue?**

I have a very clear position concerning the whole question of execution: I am against it. At the same time, I must stress that this principled position cannot be realized in the prevailing circumstances. As I have already mentioned, the fact that the supreme authorities refrained from giving orders actually led subordinate elements to act as they saw fit. Instead of a reduction in the number of killings, there was an increase.

**Is there an alternative to the killing of collaborators?**

It is very difficult to create alternatives in the context of the occupation, but the best solution is education and work in this field by strengthening the social structure. This is exactly what we need today.

**Do you call for the total cessation of the executions?**

If we will in fact be able to achieve this.

***Following is an excerpt from an interview with Faisal Husseini by Avraham Tirosh, published in Ma'ariv daily on August 7, 1992:***

**Why don't you take a stand against the murders perpetrated by masked individuals against their Palestinian brothers?**

Look, every occupation requires collaborators. If there are collaborators, then both sides are responsible for what happens, the one who kills and the one who benefits from the killing.

**You know very well that most of those murdered are not collaborators.**

We know that there are some who are murdered for other reasons that have no connection to our struggle: family feuds, criminal matters, mafia, inter-clan disputes, etc. True, there are

groups who operate in an undesirable manner due to the age of their members, their personality type, and their understanding of things. For five years we have been trying to undermine the Israeli government, and it has been trying to undermine ours, and both sides have succeeded. In some places there is no controlling authority. When you live without such an authority, anything can happen.



## Appendix B

### B'Tselem's Appeal to the PLO

בִּתְסֵלֵם

מרכז המידע הישראלי לזכויות האדם בשטחים  
"בית-סלם" - مركز المعلومات لحقوق الإنسان في الأراضي المحتلة  
B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories

August 19, 1993

Mr. Faisal al-Husseini  
Jerusalem

our ref: 3344

Dear Sir,

B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, is preparing a comprehensive report on human rights abuses related to Palestinians suspected of collaboration with the Israeli authorities.

The report will focus on a number of questions relating to these abuses, including Israel's responsibility for human rights violations, pressure imposed upon Palestinians to become collaborators, the operating of collaborators and the immunity sometimes given to collaborators who have committed criminal offenses.

As for Palestinian responsibility for these practices, i.e., torture and summary executions of hundreds of people for suspected collaboration, and in particular, the responsibility of the PLO, which is recognized by a majority of states as representing the Palestinian people, we request your position on the following questions.

1. What is the PLO definition of a collaborator? Which actions are regarded as collaboration and which of those are, in the PLO view, deserving of punishment?
2. Does the PLO have a clear public stand on practices of torture and killing of suspected collaborators? If so, what is this position? Has it been made public? If so, where?
3. Has the PLO's position on the subject of killing of suspected collaborators undergone any changes during the Intifada? If so, in which way has the PLO's position changed and when?
4. Has PLO Headquarters in Tunis initiated or endorsed, either directly or indirectly, the killing of suspected collaborators?  
If so, how many Palestinians have been killed since the beginning of the Intifada by PLO order or endorsement?

רחוב עמק רפאים 43 (קומה שנייה), ירושלים 93141, טל 02 617271, 02 617274, פקס 02 610756  
43 Emek Refaim St. (Second Floor), Jerusalem 93141. Tel. (02) 617271, 617274 Fax: (02) 610756

5. In the Occupied Territories there are several Palestinian groups, among whose actions are carrying out torture and killing of suspected Palestinian collaborators. These groups, the "Black Panther," the "Fatah Hawks," the "Red Eagle" and others, claim they are a part of, or subordinate to, the different PLO organizations.

As for each one of these groups we would like to request your response to the following questions:

- a. Is the group subordinate to the PLO?
- b. Does it receive financial assistance from the PLO?
- c. Are its actions taken according to PLO orders?
- d. Does the PLO regard itself as responsible for the actions of the group?
- e. Has the group been ordered by the PLO to halt or limit the torturing and killing of collaborators?


In addition, has the PLO severed its ties with any group which has deviated from PLO directives?

6. It has been reported that some Palestinians who have been involved in carrying out summary executions and torture, have arrived, eventually, in Tunis. Has the PLO brought any of these persons to trial? If so, what was the outcome of these trials? If not, why not?
7. In Yossi Torpstein's interview with you (Ha'aretz, June 1, 1992) you were quoted as follows: "The PLO has a revolutionary court that includes a prosecutor, and so forth, as is the case in Lebanon. It also has laws, but these cannot be implemented under occupation... occasionally the killings have been perpetrated by responsible activists, well-versed in the intricacies of law, but this is not always the case." We would be very interested in receiving, if possible, a copy of the laws concerning punishment of suspected collaborators.
8. In the same interview you were quoted as saying that "the [Palestinian] leadership was supposed to issue statements saying that investigations had revealed that a certain person did this or that and that he should be punished in such and such a manner." Have you or any other Palestinian leader ever issued such statements concerning any individual? What are the criteria for determining punishment?

9. According to The New York Times (May 24, 1992), a letter signed by Yasser 'Arafat included a statement that killings among Palestinians have reached the point where they are image-damaging and distorting the uprising. Would it be possible to receive a copy of that letter?

B'Tselem's policy is to allow the party whose actions are reviewed in its reports to express its position, to be published in full in the text of the report. We would be grateful to receive your response at your earliest convenience. If you do not wish to respond, please let us know.

We are addressing our questions to you, Mr. Hussein, as a senior representative of the PLO in the Occupied Territories. However, the response to these questions may be given in your name as well as in the name of any other senior figure in the PLO, in the Occupied Territories or abroad.

Sincerely,  
  
Yizhar Be'er  
Executive Director

## **Appendix C**

**Interview with Sheikh Ahmad Yasin in his cell at Ashmoret jail, September 28, 1993**

**Interviewers: Dr. Saleh 'Abdel-Jawad and Yizhar Be'er**

**How do you define a collaborator?**

Anyone who fell into the hands of the GSS, and the enemies of his people, and made an agreement with them to work for them and do everything they ask him, against the interests of his homeland, his people and his religion. The collaborator is a man who has been subjected to great distress and has been unable to cope, and so has agreed to collaborate. Because such a man is a victim, I believe that he must not be killed, unless he was first given a proper opportunity to repent and did not do so.

**Who, according to the Hamas, is a collaborator who deserves a death sentence and how is this determined?**

He who has killed is deserving of a death sentence, because the killer shall be put to death. The same is true of somebody who has offended the honor of others. Both these situations are, of course, linked to Muslim doctrine, *shari'a* [religious law], because the killer is to be put to death and the prostitute is to be put to death, and so is the collaborator, who serves the enemy.

**Do you have a "court" which passes a death sentence on collaborators?**

There is a "court," but not in the accepted sense. In other words, if you approach a religious leader and ask him about the sentence for a particular collaborator, and he is not one hundred per cent sure of the sentence, he will consult with another religious leader, until together they determine the right sentence for him. In other words, there are mobile courts which use religious leaders as judges.

**Who issues a death sentence?**

One of the religious leaders (the sheikhs) who are trusted is approached. Only a religious leader has the power to rule in such matters, in accordance with Muslim law, and it is he who decides about a death sentence.

**Did errors of judgment occur in the killings carried out by the 'Iz a-Din al-Qassam cells?**

No operations or actions can be performed without mistakes being made. Allah, blessed be His Name, calls every individual to account on the basis of his intentions. Let me give you an example: the army intends to kill a man who throws stones, and instead it kills a baby. That is a mistake which has already been made tens and hundreds of times. We seem to have a one per cent error rate in the killing of collaborators, while in the case of the others [the secular organizations], fifty per cent of the cases are mistakes.

**What sentence is given to those collaborators who have felt remorse and repented?**

If the collaborator was given an opportunity to repent and did not do so, he must be punished. To me, it is not acceptable for a collaborator to repent under our interrogation and on that basis, not be punished. By the time he has reached that stage, a circular has already appeared demanding that he repent, and he has been given the opportunity to do so. In other words, if anyone has already gone halfway [towards collaborating], it will not help him if he repents after he is caught. At this stage he is already involved in acts of murder and informing.

The Prophet, God's blessing upon him, said in this connection that repentance must be accepted, but not when the man is on the brink of death. In other words, before he dies, like Pharaoh the king of Egypt who said, before the sea covered him and his army: "We led the Israelites across the sea, and Pharaoh and his legions pursued them with wickedness and hate. But as he was drowning, Pharaoh cried: 'Now I believe that there is no god save the God in whom the Israelites believe. To Him I give up myself. 'Now you believe!' Allah replied. 'But before this you were a rebel and a wrongdoer.'" (The Qoran, Jonah, verses 90, 91)

**Does the Hamas also on occasion use punishment other than killing?**

It is not our way to adopt partial solutions. For us, a suspect is either declared innocent, or he repents, or he is put to death. You cannot sentence him to house arrest or a similar punishment, because you are unable to keep track of him. Those

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\* All Qoran translations from The Koran, Dawood, N.J. (trans.), Penguin, London, 1974.

are the circumstances in which we live – without a state. Is it possible for us to behave differently? It must be realized that "minor" collaborators, who have not yet carried out acts of murder, are given the opportunity to repent.

### **How can the taking of human life be justified?**

Islam respects human life and protects it. Islam also forbids any invasion of the privacy of one's fellow-man, and of everything that relates to his life, his honor and his money. All of these are protected, according to Islam, and they cannot be denied except in very special circumstances which the Islamic *shari'a* has determined.

Islam forbids the killing of a man on the basis of suspicion alone. The prohibition on killing applies even if there is the slightest doubt about his guilt. In order to justify the killing of a man, it is necessary to have one hundred percent clear and manifest proof of his guilt. When there is one percent of doubt, it is forbidden to kill someone. I will base myself on the words of the Prophet, God's blessing upon him: "Halt the punishment wherever there is a slight doubt in the matter."

According to Islam, in the case of adultery, for example, we need four witnesses in order to pass a death sentence. If there are three eyewitnesses to the act who give identical testimony, and the fourth gives different testimony, then the suspect will not be punished, while the four witnesses are punished because their testimony does not tally. This is an example of how Islam is extremely careful to protect human life.

The Prophet Muhammad, God's blessing upon him, says in connection with the *K'abah* [in Mecca]: "How goodly are you, and your odor is good and your honor great, but the believing man is more important than you and his honor is better protected." What I mean to say is that in Islam a man's honor and his life are more important than the sanctity of the *K'abah*, although to Muslims this is the holiest place.

Allah, blessed be He, said in the Quran: "We have bestowed blessings on Adam's children and guided them by land and sea: We have provided them with good things and exalted them above many of Our creatures" (The Night Journey, verse 72). In other words, Islam forbids informing on people and invading their privacy. Like that man in Medina who used to drink alcohol in his home. Suddenly there came in, through an opening in the fence round the house, 'Omar Ibn al-Khattab [one of the four Khalifs who led Islam after Muhammad]. The man said to him: "I have sinned in one respect, and you in more: you climbed the

fence of my house, entered without my permission, and infringed the privacy of my home." The Emir of the Faithful, 'Omar, left the house, because the sin which is committed in a house remains in the house, while if a person sins in public for all to behold, his sin will be publicized among many.

**There are Islamic movements such as the "Liberation Party" [a Palestinian Islamic party founded in 1952] which claim that in Islam there has been a prohibition on imposing a death sentence on the collaborators. On what basis in the *shari'a* does the Hamas ground its passing of death sentences on suspected collaborators? Does Islam permit the imposing of a death sentence in places where there is no Muslim regime?**

As early as the story of the conquest of Mecca it is related that the Prophet, God's blessing upon him, took pains to camouflage his army's movements on its way to conquer Mecca. But Khateb Ben Abu Balath'a, the Prophet's friend, tried to reveal to the inhabitants of Mecca that the Prophet was on his way to conquer the *K'abah*, by passing on a letter through a woman who was on her way to Mecca and concealed this letter in her tresses. The spirit of God which descended upon the Prophet informed him and he sent soldiers from his army, including 'Ali Ben Abu Taleb, in pursuit of the woman. The soldiers caught her and brought her to him. When they saw the letter, signed by Khateb Ben Abu Balath'a, 'Omar requested permission of the Prophet to kill him, and then the Prophet replied to him: "Do as you wish, but I have forgiven him because he was one of those who took part in the Battle of Badr [Islam's first great battle]." From these words it may be understood that it would have been permitted to kill him had he not taken part in the Battle of Badr.

As a basis for my words, one can take other verses. For example in *She Who is Tested* (chapter of the Qoran), verse 1, it says: "Believers, do not make friends with those who are enemies of Mine and yours. Would you show them kindness when they have denied the truth that has been revealed to you and driven the Apostle and yourselves out of the city because you believe in Allah, your Lord? If it was indeed to fight for My cause, and out of a desire to please Me that you left your city, how can you be friendly to them in secret?"

Various religious leaders have given legitimation to the killing of collaborators in circumstances different from those that we are living in today. In the Islamic state they said 'do not kill' because there is a state and it is possible to imprison and punish in



additional ways. But in respect of collaborators the reality is utterly different: the collaborator is a very dangerous man, he tramples upon the honor of members of his people, and invades the privacy of people's lives, tries to drag others into working with the GSS and collaborating. It is preferable for there to be a thousand enemies on the outside to one enemy on the inside. The truth is that we are not the ones who kill him: the one who kills him are those who recruited him for this work, and placed him in a situation where he is waging war against his people, his country and his religion.

**Dr. Ahmad Nofel [one of the leaders of the Muslim Brotherhood in Jordan] wrote [in his book "The Spiritual War," Chapter 3]: "The liquidation of these people does not solve the problem, because if we have rid ourselves of one, the GSS recruits another. It must be understood that from the outset this matter works to the advantage of the occupying forces, because they want people to be involved with each other and to leave them alone. In addition to this, murder is likely to generate acts of revenge and family feuds and when these acts begin, it is also possible that innocent people will be punished. And every individual who gets involved in a quarrel with his friend is likely to destroy him, arguing that he is a collaborator, and then we get into an endless vicious circle, which spreads far and wide, and only God knows what its outcome will be."**

What he says is logical, but I think that it does not match the reality in which we live, for the following reasons: The collaborator endangers action on a national level by passing on information about activity on the part of the movements and the organizations. Secondly, the collaborator tries to recruit others to collaborate, and then it can be seen how a mother tries to involve her son or her daughter, and a brother his sister. The ways of recruiting collaborators include prostitution and photography (in intimate situations). When the pictures reach the GSS, they threaten the people that they will publish them, and then they give in and collaborate with the GSS.

Collaboration can be defined as a contagious disease, like cancer or gangrene. We excise the affected member in order to prevent the disease from spreading to the body's healthy members. The collaborator declares a state of war between himself and his society, and passes on to the society's enemies information about his people and the reality in which they live.

He recruits other people to help him in negative and unacceptable ways, and it is absolutely and utterly forbidden to remain silent about this or to ignore it.

I am not aware of any people throughout history which has accepted the presence in its army of people who work for its enemies. Despite this, we always bear in mind the Muslim law which requires proof and demands that guilt be proven beyond all doubt. Our brothers [from the Hamas] who would kill the collaborators would film their activities with a video camera in order to prove their guilt. There were also many suspects who were released after interrogation, because their guilt had not been proven beyond all doubt and we did not wish to kill innocent people.

The Muslim man cannot meet his God with a tranquil heart after he has killed an innocent man, because for such a deed he will be punished in Hell. All my life I have prayed, hearkened to and acted according to the words of Allah. How could I murder a innocent human being? I cannot take such a sin upon myself.

**Did the members of the Islamic organizations kill suspected collaborators before the Intifada as well?**

Yes. We do not intend to persecute people, but sometimes the crime penetrates to us, draws close to us, and then we are compelled to adopt a position and to act. There are those who turn their local corner stores into centers of "deterioration," not only from the political viewpoint but also from the social viewpoint. Dozens of women and men are together and the door is closed upon them. This is a bad thing. The situation is intolerable. The GSS has set up centers of deterioration in Israel, in which men and women are active.

**How many suspects did members of the Islamic Movement kill before the Intifada?**

Three people. It was not the Hamas which carried out the executions. The killings were carried out by an Islamic group which saw mistakes that were made in various places and tried to correct these mistakes according to the degree of their seriousness. In other words, these operations were part of a reaction to the existing reality.

**How does the approach of the Hamas to the subject of collaborators differ from the approach of the secular organizations in Palestinian society?**

The difference between us, the devout Muslims, and all the others is *mkhafat* Allah [the fear of God], and the knowledge that

if we are not punished in this world, we will be punished in the world to come. This makes us very careful, so that we do not harm people's lives unless we have precise proof of their guilt.

On the other hand, the national bodies [Fatah and the left wing bodies] have no fear of God. Therefore these movements are not afraid to kill based on mere suspicions and without adequate proof, or based on personal interests. For example: the killing of Dr. Isma'il al-Khattib in Gaza, a man known to me personally [a member of the "Muslim Brotherhood" who was killed, apparently, by PLO activists in 1986]. This man was killed because he had different opinions from the opinions of PLO members and he was in no way a collaborator. They murdered him with the intention of removing an obstacle which might have impeded their gaining control over the university.

**Are there differences in the procedures for interrogating those suspected of collaboration, between the secular organizations and the Hamas?**

Of course there are differences. Firstly, in our case, the interrogation and the confession of guilt must come logically. We get the person being interrogated to confess his guilt through conversations and arguments and not through violence. The use of violence may be called for, but to a small degree and only when the guilt is clear, in other words when at least three witnesses testify to the suspect's deeds.

Applying pressure to the person being interrogated which makes him say falsehoods is considered an invasion of an individual's privacy. Light blows may be given, but the privacy and human dignity of the person must be maintained, in order not to make him say things which did not happen or to inform on innocent people. In order to be sure of what he says, the same question is asked several times. If he gives a similar reply in each case, this is a sign that he is honest and if he makes a mistake, that means that he is lying. The interrogation must be repeated two or three times, and every time the truthfulness of the information given by the person being interrogated must be checked out. I have heard that in other organizations, the examination is carried out in a very cruel fashion. In our circles there is the "fear of God."

**In the Hamas is it necessary to have a *fatwah*, a ruling under the *shari'a*, in order to pass a death sentence on the collaborator?**

In my opinion there is a need for this. It is not good for the same people to be the interrogators, the judges and the executors

combined. A Muslim religious leader must be consulted, and he will decide what must be done.

**It appears that since your arrest, the Hamas members no longer follow religious rulings in this matter.**

They are prohibited from carrying out an execution before they have approached a Muslim religious leader who can issue a religious ruling confirming the act.

**Have you been following the cases of murder of collaborators in the last two years?**

The subject worries me because the killings have multiplied and together with them also the cases of error in which innocent people have been punished. But recently the number of those killed has been smaller.

**How do you explain the great difference between the West Bank and the Gaza Strip in terms of the numbers killed, by the Hamas, against a background of collaboration? In Gaza dozens have been killed, while in the West Bank fewer than five have been killed. Does this mean that the decision to kill is not a central leadership policy, but is determined by the opinion of the regional leaders?**

I think that the reason for the difference is that the Hamas began operating in Gaza before it did in the West Bank. When there is activity, there is also a danger that menaces it, a danger that arises out of the existence of the collaborators. The movement must remove this danger, which threatens its existence. The interrogation of one collaborator uncovers others. There is a possibility that the collaborator might lie deliberately in order to drag other people into the affair. We take into account that not everything that he says is correct and this must always be verified. So in Gaza there was greater work than in other places. When we find a collaborator who does not represent a risk for us, we do not approach him, but if he informs against us and pries into our actions, then we are compelled to rid ourselves of him.

**Has a change occurred in the position of the Hamas Movement concerning the collaborators since the beginning of the Intifada?**

A change has occurred, and similarly the reality has also changed. At the beginning I would hear that someone or other was a collaborator and this did not interest me, but afterwards, when the collaborator carried out crimes and there were victims, this

compelled us to act and to adopt sanctions against him. The period during which many people were killed has come to an end. Now the situation is easier, few people are killed. We are not interested in killing anyone. It is better that the collaborator should encounter God with his own crimes, than that I should meet my God with the blood of the murdered man on my hands.

**Will the Hamas also continue killing collaborators under the new circumstances which have been created, with the signing of the Declaration of Principles between Israel and the PLO to settle the Israeli-Palestinian conflict?**

The acts will continue, because the 'Iz a-Din al-Qassam cells have not halted their activity. As long as they are in danger it is necessary to defend them. In other words, as long as there is an occupation, the reason for their activity still exists. Their activity will conclude with the end of the occupation.

**Does the Hamas intend to continue also killing the collaborators after a Palestinian state is set up or autonomy is established under 'Arafat?**

(After reflection) I think not. Then there will be the law and there will be authorities which will deal with these matters, and they will have to deal with all aspects of the punishment of criminals. In this situation the residents of the state will be forbidden to harm others.

**How do you feel in prison, Sheikh Yasin?**

My situation is better than your situation, you who are outside, because you are in a large prison and I am in a three-star hotel. Our Lord Yusef said: "Lord, sooner would I go to prison than give into their advances." (Joseph, verse 33).

## Appendix D

### Ministry of Justice Response to B'Tselem Report

State of Israel

Ministry of Justice  
State Attorney's Office  
December 31, 1993

Mr. Yizhar Be'er  
Executive Director, B'Tselem  
43 Emek Refaim Street, second floor  
Jerusalem 93141

re: Response to B'Tselem's report on collaborators

Dear Mr. Be'er,

We reviewed the draft of the report you sent us, and found that there was place for our office to respond regarding a number of the charges in section 3 [Section 2, chapter 2 in the present report].

The Ministry of Justice is responsible for examining complaints of persons interrogated by the GSS. The remaining topics in the report, falling under the jurisdiction of the security forces, were brought to their attention, and they have been instructed to review the security considerations while protecting human rights and assuring that their actions are within the bounds of the law.

In this context, when we receive a complaint regarding use of violence by a collaborator, we undertake a substantive examination of the complaint, and if a suspicion arises that a criminal offense has been committed, the complaint is sent to the Israel Police as any other complaint would be.

In section 3 of the B'Tselem report, which addresses collaborators in prison and detention facilities, a number of cases are presented, including claims made through citations from a "testimony."

Unfortunately, some of the cases cannot be addressed, since the claims are brought anonymously, or without the full names of the complainants, and the remaining relevant details prevent location of the case.



Regarding some of the other cases, in which complainants' names are listed, we did not receive the complaints, and the identifying information presented in the report is insufficient. These are cases that occurred several years ago, and today it is not possible to investigate them, among other reasons, due to the passing of time.

As for the complaint of 'Abd a-Nasser 'Ali 'Issa 'Obeid, arrested in September of this year, the complaint was presented, in its entirety, in a previous B'Tselem report published in November 1993 on the "new procedure" in GSS interrogations. Our response also appeared in the report. The results of the examination reached the Ministry of Justice at the end of October 1993, and the relevant authorities reached the conclusion that the examination should be checked further. The complaint is therefore under investigation, and should soon reach its conclusion.

Regarding the claim of sexual abuse, in only one case was evidence found regarding a grave incident of sodomy perpetrated by a collaborator on a detainee in interrogation. The case occurred on November 29, 1991. Immediately after the deed became known, a complaint was submitted to the police. The complaint was investigated and charges were submitted on December 16, 1991. The collaborator was sentenced on June 21, 1992 to 10 years' imprisonment to be appended to any other prison sentence he is serving.

This case testifies to the rule that not only is it prohibited to deviate from interrogation procedures, but that when a case that deviates from these procedures is brought to our attention, we see to it that an investigation is opened, that offenders are brought to trial, and that the full rigor of the law is brought to bear upon them.

Sincerely,

Rachel Sukar  
Vice State Attorney  
for Special Tasks

Rc/780



## Appendix E

### Collaboration: A Historical Perspective

by Professor Michael Harsigor

The concept of "collaboration," in the wide historical context, assumed a negative meaning in World War II, in the wake of a meeting between Hitler and Marshall Petain on October 11, 1940. Petain, hero of the Battle of Verdun against the Germans in World War I, and leader of vanquished France, promised Hitler "sincere and full collaboration.

Collaboration with the enemy is an ancient phenomenon. The first biblical reference to collaboration appears in the vivid description of the story of Rahab the prostitute, which takes place in Jericho, an area with which this report deals. In the second chapter of Joshua, Rahab hides the Israelite spies, protects them from their pursuers, and helps them escape. Why? "And she said to the men, I know that the Lord has given you the land, and that your terror is fallen upon us, and that all the inhabitants of the land melt away because of you." (Josh. 2:9)\*

Even the greatest of Israel's kings, David, showed himself in the Bible to be a collaborator. David fled from his pursuer, Saul, to Akhish, King of Gat, even though the Philistines were at war with the Hebrews. Later on, David even joined his army: "And David arose, and he passed over with the six hundred men that were with him to Akhish, the son of Ma'okh, king of Gat." (Samuel I, 27:2)

A prominent act of collaboration from the ancient period is that of Josephus Flavius (Yosef Ben Matityahu), the Jewish historian and military commander of the first century CE. Josephus was among the rebel leaders in the days of the Great Revolt. He was in fact a Pharisee in outlook, and was not an ardent admirer of the nationalist messianism of that period. After he surrendered to the Romans as the commander of the Galilee, he joined Vespasian and his son Titus in their siege on Jerusalem. His attempts to mediate between the Romans and the Jews were unsuccessful, and he defected to Rome and collaborated until his final days in the emperor's court. It should be noted that in the days of the Great Revolt, it was the practice of the rebels to eliminate those who cooperated with the enemy Roman empire.

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\* Bible translations from the Jerusalem Bible.

Several factors may lead a member of a conquered people to collaborate with the conqueror: 1) He concludes that the conqueror cannot be vanquished in the foreseeable future (and that it is better to be on the strongest side); 2) greed; 3) ideological or family considerations; 4) personal considerations, such as the desire for revenge, or for a political career under the aegis of the foreign conqueror; 5) love usually the love of vanquished women for men of the conquering army. Cases in which the conquered men fell in love with women on the side of the conqueror, and for that reason collaborated, are extremely rare. But it is known that during the days of the religious wars of the 16th century, the Catholic camp in France employed a "flying unit" which travelled with beautiful women from the royal court. The mission of the women in the unit was to lead men in key positions in the Protestant camp to collaborate with the leaders of the Catholic camp in the areas under its rule.

Those who cooperate with the enemy are considered traitors to their people. Even countries which have abolished the death penalty maintain it for one extreme case: the punishment of traitors during wartime. The death penalty exists in theory in IDF legislation, but it was only used once: in the Tobianski Affair, during the War of Independence. Engineer Captain Meir Tobianski was charged with spying and collaborating with the pro-Arab British authorities. He was tried, sentenced to death and executed on-the-spot. A year later, it became clear that the conviction was a complete mistake, and Tobianski's name was cleared.

A particularly dramatic period in the persecution of collaborators was the time of religious wars in western Europe in the 16th century. During the Middle Ages, when the developed areas of western Europe were generally split into two camps, the punishment of collaborators became a matter of routine, such as in Italy, when the Guelfi, supporters of the Pope, were victorious over those loyal to the Emperor, the Ghibellini, and vice versa. In Flanders (today Belgium), there was a deathly struggle between the loyalist supporters of the fleur-de-lis, faithful to the King of France, and the "Nail of the Lion of Flanders," who supported the Count of Flanders. Each time that one of the sides won, those who cooperated with the losing camp were persecuted and executed. Collaborators with the enemy's camp, considered to be much worse than mere servants of the enemy, were identified with the devil himself. Indeed, in an atmosphere of burning zealotry, the opposing side is reduced to a deviant from the ways of God, a bewitched captive of Satan and an heir to hell. Thus, the judgement required is burning at the stake. Was the witch hunt

anything other than a campaign against collaborators with the devil? The difference is that in the historical examples cited, individuals or groups in fact cooperated with the defeated enemy, or were suspected of doing so, while in the witch hunt, not one of the thousands of victims had collaborated with Satan, for the simple reason that he is a character of fiction.

In the 16th and 17th centuries, thousands of Arabs (Moriscos) were expelled from Spain. The main reason for their expulsion was the charge that they had collaborated with their brethren in Morocco, Algeria and Tunis, and with the Ottoman authorities.

When the American Revolution broke out against the British (1774-1776), all of the good citizens who had been loyal to King George III suddenly became collaborators with the enemy. At the end of that same century, the governments of central Europe began a massive campaign, based on intensive intelligence work which preceded it, against prominent liberals, claiming that they were collaborators (directly or indirectly) with the forces behind the French Revolution (1789).

After World War II, beginning in the summer of 1944, massive numbers of suspected collaborators were punished, both by the new authorities (in whose ranks were often hiding real collaborators) and through private initiative. Today we know that "punishing traitors" was the smoke screen behind which many personal accounts that had nothing to do with the war, were settled. There are no reliable statistics on the subject, but it is assumed that thousands of suspected collaborators were eliminated in France. Similar phenomena occurred, on a smaller scale, in other European countries.

These lessons were not lost on those who collaborated with the colonial powers when these empires broke up. A good example of this can be seen from events in the Moluccas Islands, a spacious Indonesian precinct that had been a Dutch colony until World War II. In the Moluccas, in particular in Christian populated Amboina, residents, fearing they would be punished by the new Muslim government for cooperating with their former rulers, rebelled in 1950. Many fled to Holland, lest they be accused of collaboration.

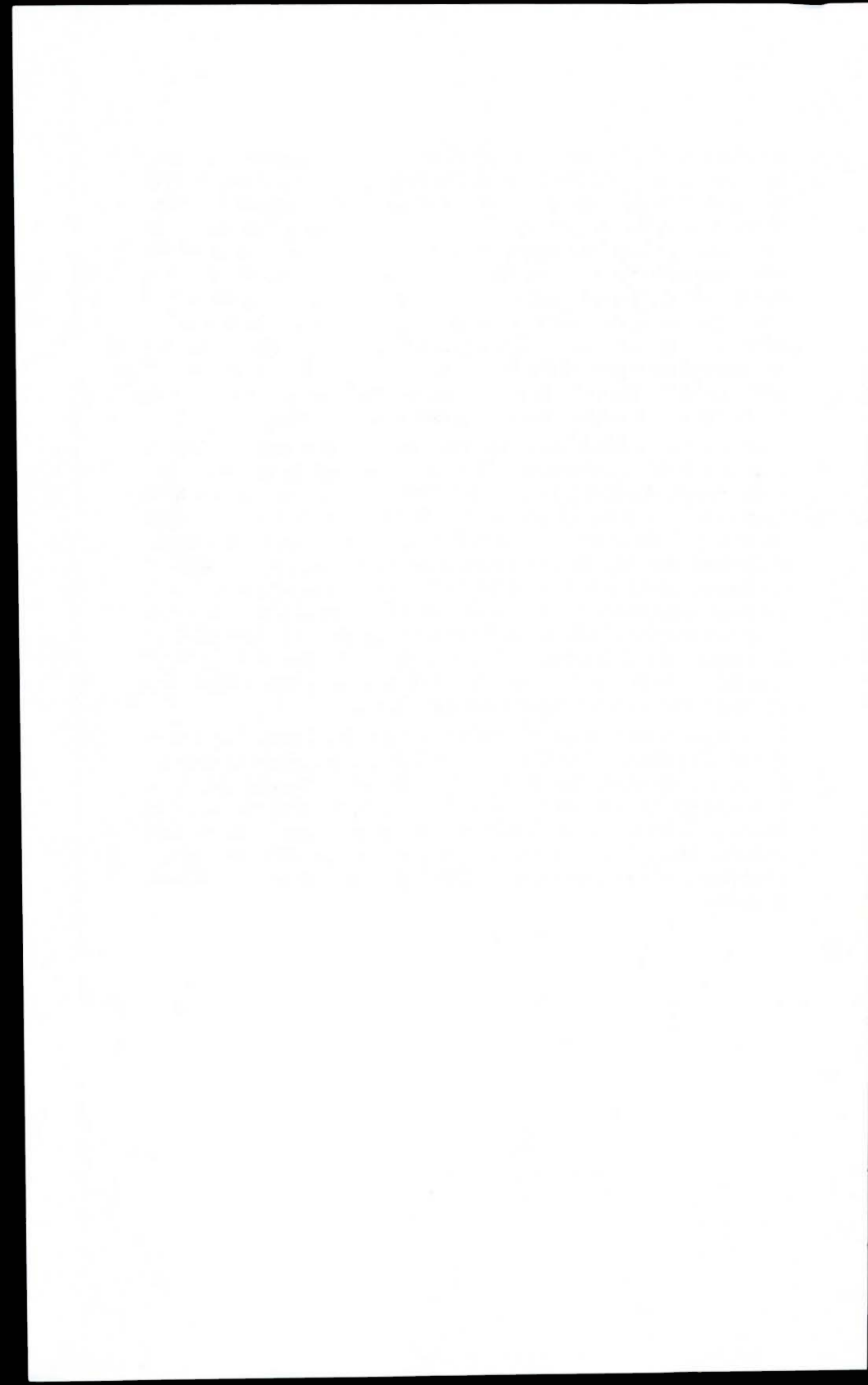
The withdrawal of France from Algeria in 1962 also raised the problem of collaborators: many Algerian Muslims who had worked as French government employees or served in its army – the Harkis – were cruelly punished by the new power. Although the thousands who escaped to France remained alive, they faced an extremely difficult plight.

The leaders of many African nations were, at the beginning of their careers – and as they advanced – collaborators with the colonial

government. A prominent example of this is Felix Houphouet Boigny, the recently deceased President of the Ivory Coast. Houphouet-Boigny was elected to the French National Assembly, and re-elected in 1946, at which point he was an ally of the communists. In 1950, when the communists joined the opposition, Houphouet-Boigny decided to cooperate with the government. At the same time, he served as a member of the French cabinet, both as president of the autonomous Ivory Coast and the mayor of Abidjan, a major Ivory Coast city. In 1958, he voted against full independence, and asked that he and his country remain a part of the French community. When he was elected president of the independent Ivory Coast in 1960, he retained a French entourage, which assisted him management of the country.

Aime Cesaire, a black leader on the island of Martinique, a French outpost, is another collaborator. This did not prevent his election to the 1946 French Assembly. Cesaire, a writer and poet, coined the term "Negritude" the need of blacks to rebel and yet not cut off their relations with those who can help them achieve a better life. Cesaire maintained that any disengagement from France would only weaken the spiritual and political life of his brothers, and thus cooperation with the great white nation was inevitable. Two of his plays, *The Tragedy of King Christophe* (1963) and *A Season in the Congo* (1966) illustrate his support of collaboration. The central idea in both is that the black government is doomed to eternal failure if it does not energetically cooperate with another, more developed culture.

There is no better example of collaboration with the forces of light than that of Willy Brandt. The German Social-Democratic leader understood on the eve of World War II that Germany had to liberate itself from Nazi rule for its own good, and so he cooperated with the anti-Nazi forces in Germany, and by the end of the war wore a Norwegian uniform. Many Germans did not forgive him for this, but others subsequently elected him mayor of Berlin and later, Chancellor of West Germany.



## B'Tselem Publications

### *Monthly Information Bulletins*

May 1989	Data, Confiscation of ID Cards, Death Cases
June 1989	Plastic Bullets, Curfew, Settlers, House Demolitions
July 1989	Death Cases, Settlers, Deportations
August 1989	Detention Facilities
September 1989	Death Cases, Administrative Detention
October 1989	Banned Books and Authors
November 1989	Soldiers' Trials and Restrictions on Foreign Travel
January 1990	Cases of Death and Injury of Children
February-March 1990	Censorship of the Palestinian Press in East Jerusalem
April 1990	IDF Posts on Private Homes, Purimshpiel in 'Abud, Followup Investigation: The Death of Rafaida Abu Laban
May 1990	The Military Judicial System in the West Bank, Follow-up Report Update June-July 1990 - Violence Against Minors in Police Detention
August 1990	Limitations on Building of Residences on the West Bank
September-October 1990	Closure of Schools and Other Setbacks to the Education System in the Occupied Territories
October 1990	Loss of Control: The Temple Mount Events - Preliminary Investigation
November 1990	House Sealing and Demolition as a Means of Punishment
January-February 1991	Human Rights in the Occupied Territories During the War in the Persian Gulf
Update June 1991	The Death of a Youth: Mahmud 'Alayan; Maltreatment by an Income Tax Clerk; Pressure on Families of Wanted Persons

September-October 1991	Renewal of Deportation of Women and Children from the West Bank on Account of "Illegal Residency"
January 1992	Limitations on the Right to Demonstrate and Protest in the Territories
April 1993	The Closure of the West Bank and Gaza Strip: Human Rights Violations Against Residents of the Occupied Territories
May 1993	House Demolition During Operations Against Wanted Persons
June 1993	The Killing of Palestinian Children and the Open-fire Regulations
February 1994	Firing at Vehicles by Security Forces in the Occupied Territories

### ***Comprehensive Studies***

September 1989	Demolition and Sealing of Houses in the West Bank and the Gaza Strip as a Punitive Measure During the Intifada
November 1989	The Military Judicial System in the West Bank
December 1989	Annual Report 1989 Violations of Human Rights in the Occupied Territories
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July 1990	The Use of Firearms by the Security Forces in the Occupied Territories
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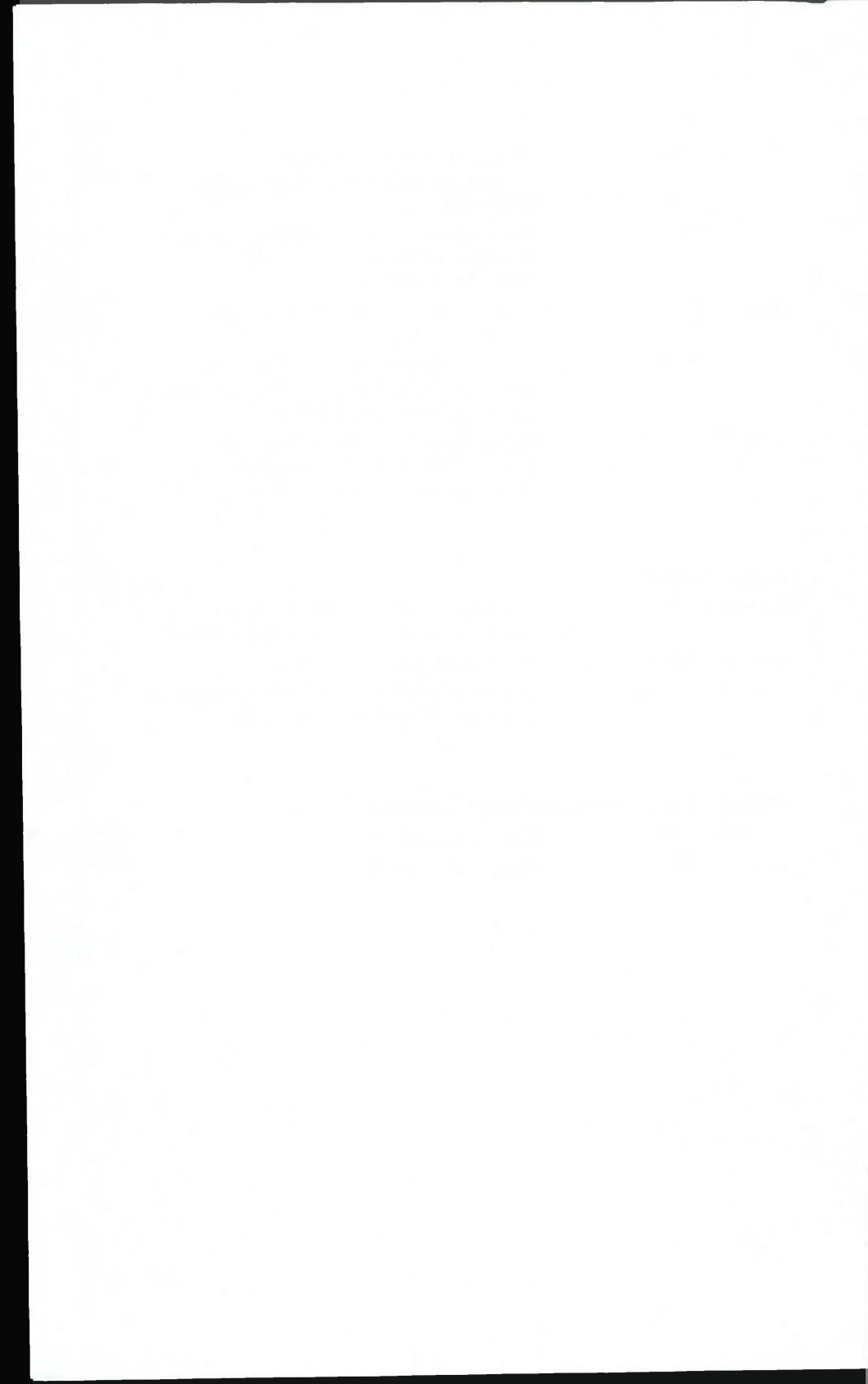
January 1992	Bi-Annual Report 1990-1991 Human Rights Abuses in the Occupied Territories
March 1992	The Interrogation of Palestinians During the Intifada: Follow-up to March 1991 B'Tselem Report
May 1992	Activity of Undercover Units in the Occupied Territories
October 1992	Detained Without Trial: Administrative Detention in the Occupied Territories Since the Beginning of the Intifada
June 1993	Deportation of Palestinians from the Occupied Territories and the Mass Deportation of December 1992

### ***Case Studies***

September 1992	The Death of Mustafa Barakat in the Interrogation Wing of the Tulkarm Prison
January 1993	Khan Yunis, December 1992
November 1993	The "New Procedure" in GSS Interrogation: The Case of 'Abd A-Nasser 'Ubeid

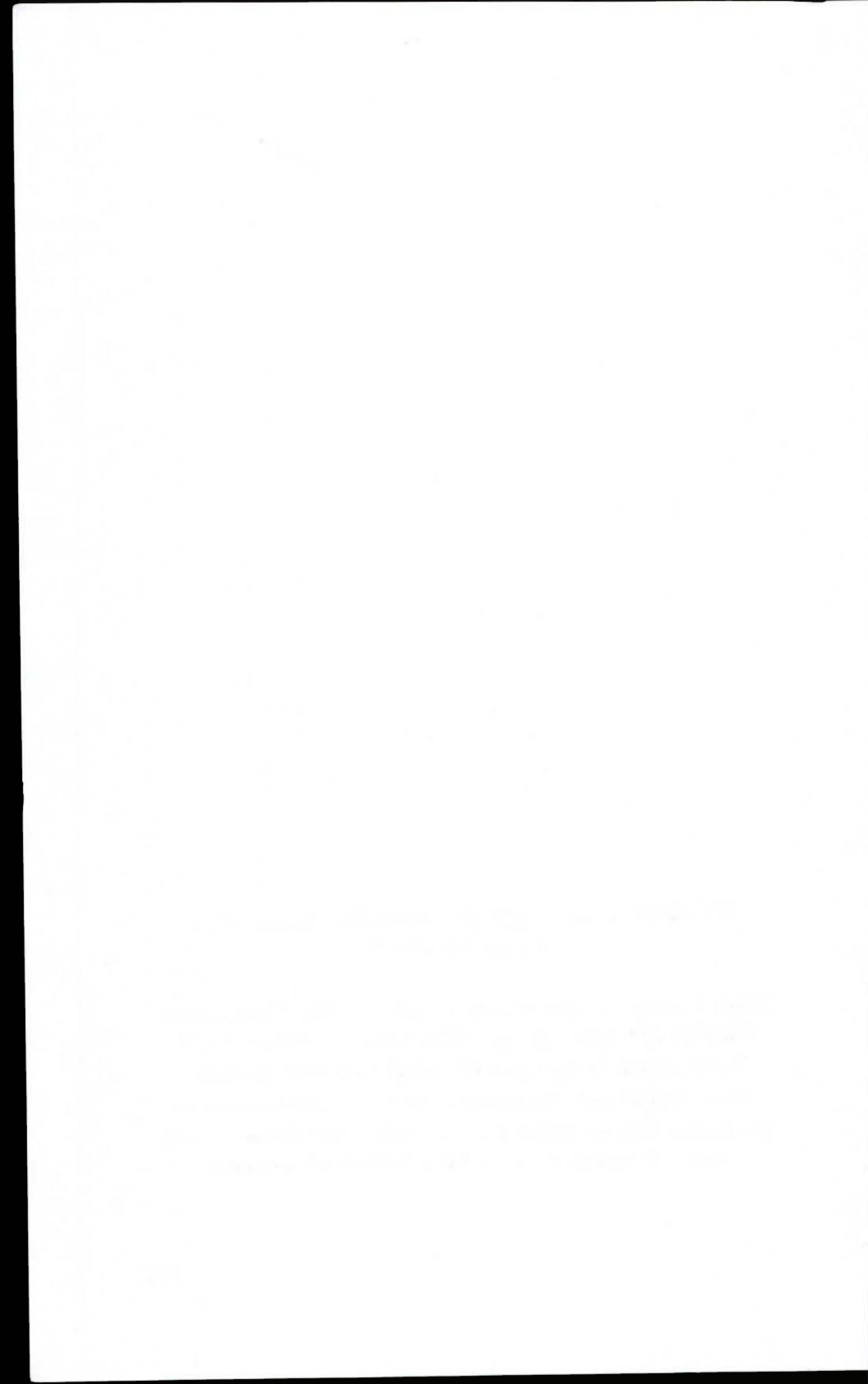
### ***THE B'TSELEM HUMAN RIGHTS REPORT***

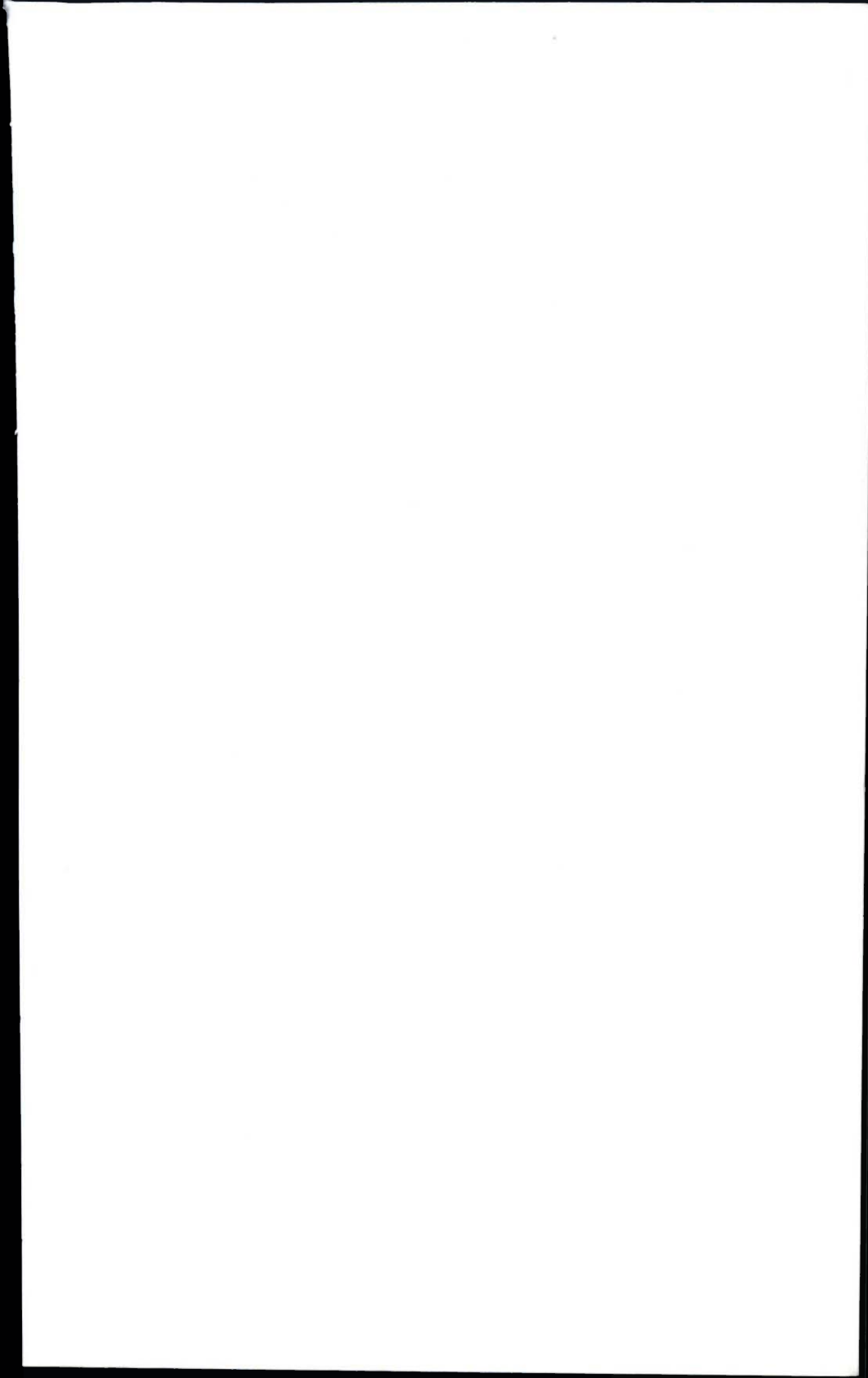
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**B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories, was established in February 1989 by a group of prominent lawyers, writers, doctors, academics, journalists, and Knesset members.**

**B'TSELEM, through its extensive documentary work, seeks to bring human rights abuses in the occupied territories to the attention of the Israeli public and policy-makers, and to counter the pervasive phenomenon by which human rights issues are pushed to the rear of the Israeli public consciousness.**

**B'TSELEM assures that all its data are meticulously researched. Information is published only following in-depth field research carried out by staff fieldworkers. Fieldwork results are cross-checked with relevant documents (e.g. medical), official versions of the given incident, foremost that of the IDF Spokesperson's office, and information from other sources, including Israeli, Palestinian and other human rights organizations.**

**B'TSELEM was created out of a deep commitment to and concern for the humanistic character of the State of Israel, and the belief that respect for human rights are not diametrically opposed to security concerns.**

**B'TSELEM, as a human rights organization, concentrates most of its efforts on the attempt to change the Israeli government's policy in the occupied territories, and to hold the government to its obligation to abide by international standards which arises out of Israel's role as the *de facto* authority in the territories. This notwithstanding, it should be clear that B'TSELEM strongly opposes human rights abuses perpetrated by any party. B'TSELEM thus vigorously condemns attacks on innocent Israeli civilians by Palestinians, attacks on innocent Palestinians by Israeli civilians, and torture and summary execution of Palestinians suspected of collaboration with the Israeli authorities, by Palestinians.**

**B'TSELEM maintains that the Israeli government in the territories, by virtue of its being an occupying military government, violates basic rights of the population, such as freedom of conscience and expression, freedom of association, and the right to vote and be elected to the government of their country.**

**The perpetuation of Israeli rule in the territories for over a generation intensifies and aggravates these violations.**

**B'TSELEM calls for an end to the Israeli military rule in the territories. An elected civilian body must replace the current regime, within the framework of a peace agreement that addresses and stipulates protection of the rights of all involved.**