

Responses to Information Requests - Immigration and Refugee Board of Canada

Palestine: Treatment of Palestinians collaborating or suspected of collaborating with Israel (2017-January 2020)

1. Overview

In January 2017, the Israeli human rights organization B'Tslem made the following observations regarding the treatment of Palestinian collaborators with the Israeli authorities in the West Bank and Gaza Strip:

Since the beginning of the al-Aqsa intifada [in 2000], Palestinians have killed dozens of Palestinian civilians on suspicion of collaboration with Israel. Some of the victims were killed in assassinations conducted by organizations; others died at the hands of Palestinian Authority security forces as a result of being tortured or when attempting to escape, while other[s] were lynched by crowds of people. Also, the Palestinian Authority killed several Palestinians whom the State Security Court, in a patently unfair judicial process, had convicted of collaborating with Israel.

...

Israeli security forces pressure Palestinians to collaborate. A usual method entails the security forces requiring Palestinians to collaborate as a condition [for] receiving the permits necessary to earn a livelihood, obtain medical treatment, and the like, in exchange for information. It is also common practice for Israel to pay for information, a practice that takes advantage of the poverty that prevails in the Occupied Territories. In some cases, security forces use collaborators to perform or assist in the commission of acts that are illegal under international law, such as assassinating suspected terrorists or torturing detainees. (B'Tselem 1 Jan. 2017)

According to a 2018 article by the Associated Press (AP) on the Israeli system of issuing permits to Palestinian residents, including for residents of the West Bank to enter Israel for work and for other purposes and to residents of the Gaza Strip to exit the Gaza Strip, Palestinians interviewed by AP have said that they were asked by Israeli authorities "to spy on their neighbors in exchange for a permit" (AP 30 Apr. 2018). The article cites a former Israeli lawyer involved in permit cases and author of a book on the permit system as indicating that "a key objective of the permit system is to enable the Shin Bet [Israel Security Agency] to recruit informers providing low-grade information" (AP 30 Apr. 2018).

2. The West Bank

Media sources report incidents in which Palestinian residents of the West Bank have been sentenced to prison for selling land to [Israeli (Al Jazeera 31 Dec. 2018)] Jews (Al Jazeera 31 Dec. 2018; *The Jerusalem Post* 23 Dec. 2018). According to sources, Palestinian law forbids the sale of land to "a 'hostile state or any of its citizens'" (*The Jerusalem Post* 23 Dec. 2018) or "to a foreign country" (Al Jazeera 31 Dec. 2018).

According to a spokesperson for Fatah [the ruling political party in the West Bank], as cited by reports published in November 2018, Isam [Isaam, Issam] Aqel [Akel], an American-Palestinian, was arrested by the Palestinian Authority on suspicion of involvement in the sale of a house in East

Jerusalem to Israeli Jews (JNS 22 Nov. 2018; *The Jerusalem Post* 22 Nov. 2018). The reports add that a Palestinian representative had said that Palestinian Authority President Mahmoud Abbas had ordered that efforts to stop the sale of real estate in East Jerusalem to Israeli Jews by Palestinians be intensified (JNS 22 Nov. 2018; *The Jerusalem Post* 22 Nov. 2018). Aqel was sentenced in a Palestinian court in Ramallah to life in prison with hard labour (Al Jazeera 31 Dec. 2018; *The Jerusalem Post* 31 Dec. 2018). He was subsequently freed in January 2019 "following American pressure," according to the Israeli newspaper *Haaretz* (*Haaretz* 18 Jan. 2019).

Without specifying the identity of the perpetrator, sources indicate that on 7 December 2018, Ahmed Salama, a former resident of the West Bank, was reportedly killed in the Israeli town of Jaljulya [Jalulia] (*The Times of Israel* 8 Dec. 2018; Ynet 10 Dec. 2018); he had reportedly been wanted by the Palestinian Authority for selling land to Jews and had left the West Bank in the 1980s after his father was murdered for selling land to Jews (Ynet 10 Dec. 2018).

In December 2018, media sources reported that, according to a statement by the Palestinian Authority, it had arrested 44 Palestinians on suspicion of selling land to Jews, of whom 3 had been sentenced to 15 years in prison with hard labour at the time of reporting (*The Jerusalem Post* 23 Dec. 2018; *The Times of Israel* 23 Dec. 2018).

3. The Gaza Strip

Sources indicate that Palestinians charged in the Gaza Strip with collaboration with Israel are tried in military courts (The Electronic Intifada 6 Dec. 2018; Human Rights Watch 23 Oct. 2018, 50; PCHR 28 June 2018, 99). According to Human Rights Watch, the "Hamis-led Interior Ministry [in the Gaza Strip] stated that, as of April 2018, it holds ... 145 [men] in Internal Security custody for military prosecution for 'security cases' such as 'collaboration with the occupation'" (Human Rights Watch 23 Oct. 2018, 50).

Sources indicate that people have been sentenced to death for collaboration in the Gaza Strip (PCHR 1 July 2019, 90; SFGATE 12 Dec. 2018). Other sources specify that death sentences for collaboration have been carried out (UN 5 Jan. 2018, para. 8; BBC 6 Apr. 2017; Human Rights Watch 18 Jan. 2018, 5). AP reported in December 2018 that the Hamas administration in the Gaza Strip had executed 28 Palestinians since 2007, the "majority on charges of aiding Israeli security and intelligence agencies" (AP 3 Dec. 2018).

3.1 Arrests and Prison Sentences

AP reported in May 2017 that Hamas stated that it had arrested 45 people in the Gaza Strip on suspicion of collaborating with Israel (AP 16 May 2017). The Interior Ministry of the Hamas administration in the Gaza Strip announced on 8 January 2019 that it had arrested 45 people in November 2018 for collaborating with Israel (*The Daily Star* with AFP 8 Jan. 2019; DPA 8 Jan. 2019).

On 23 January 2017, the Palestinian Ma'an News Agency (MNA) reported that a Gaza military court had extended by two years the fifteen-year sentence to which a Palestinian man had been sentenced in 2014 for "collaborating with hostile foreign agencies" (MNA 23 Jan. 2017). According to sources, in December 2018, eight people were sentenced by a Gaza court to jail terms of six to fifteen years (Al Jazeera 3 Dec. 2018; The Electronic Intifada 6 Dec. 2018) "for collaboration with hostile parties" (Al Jazeera 3 Dec. 2018).

3.2 Death Sentences and Executions

3.2.1 Death Sentences

According to the Palestinian Centre for Human Rights (PCHR), an "independent Palestinian human rights organization" based in Gaza City (PCHR 1 July 2019, 2), courts in the Gaza Strip sentenced eight residents to death for collaboration in 2017; of those, three were also convicted of murder (PCHR 28 June 2018, 101-102).

Without providing further details, MNA reports that, on 9 April 2017, a Gaza public prosecutor reportedly announced that 26 Palestinians would be executed "next year" for "collaborating with Israel or other criminal charges" (MNA 9 Apr. 2017).

According to sources, six Palestinians were sentenced to death in December 2018 in the Gaza Strip for collaboration with Israel (AP 3 Dec. 2018; DPA 8 Jan. 2019; PCHR 1 July 2019, 90). In a statistical report published in July 2019, the PCHR reports that in addition to six residents of the Gaza Strip (including one in February 2018), one resident of "Palestinian Territory occupied in 1948" [Israel] was sentenced to death for collaboration in 2018 (PCHR 1 July 2019, 90). In December 2018, media sources reported that a 55-year-old resident of Israel had been sentenced to death in absentia by a military court in the Gaza Strip for her alleged involvement in recruiting her nephew in the Gaza Strip into the service of Israeli intelligence (AFP 4 Dec. 2018; Ynet 5 Dec. 2018).

3.2.2 Executions

Sources report that the Hamas administration in the Gaza Strip executed three men for collaboration in April 2017 (Human Rights Watch 18 Jan. 2018, 5; *The Jerusalem Post* 6 Apr. 2017; BBC 6 Apr. 2017).

In May 2017, media sources reported that the Hamas administration executed three men for the assassination of a Hamas leader, allegedly on Israel's orders (*The Daily Star* with AFP 25 May 2017; *The New York Times* 26 May 2017); one was convicted of carrying out the assassination, and the other two "were convicted of being his accomplices and 'collaborating with the Zionist enemy'" (*The Daily Star* with AFP 25 May 2017).

In January 2018, without specifying when the executions took place, the UN Commission on the Status of Women reported that the Hamas administration in the Gaza Strip had "executed six alleged collaborators with Israel without seeking approval from President Abbas, as required under Palestinian law" (UN 5 Jan. 2018, para. 8).

3.3 Attacks on Alleged Collaborators in the Gaza Strip

According to the PCHR,

[i]n 2018, al-Qassam Brigades [the military wing of Hamas (MEMO 18 Nov. 2019)] in the Gaza Strip killed a person accused of collaborating with Israel. His family said that the "death sentence" was carried out after al-Qassam shared and discussed with them evidence proving that he was involved in providing information that led to the assassination of 3 leaders in al-Qassam Brigades during the 2014 Israeli offensive on Gaza.

On 19 January, A. B. (38) arrived dead ... at Martyr Mohammed Yousef al-Najjar Hospital after being shot ... in the chest. In their statement, the family disowned their son (A. B.) and sa[id]: "We welcome the execution of the aforementioned" in reference to their son. The statement adds, "the family has followed up the investigation conducted by the Palestinian Resistance Security, which shared with us the investigation results and made us hear his confessions in addition to seeing with our own eyes the crime instrumentalities. ..." (PCHR 1 July 2019, 87-88)

In January 2018, it was reported that a Palestinian family in Rafah in the Gaza Strip killed one of its members for allegedly collaborating with Israel (*The Guardian* with AFP 19 Jan. 2018; Israel National News 19 Jan. 2018; *The Jerusalem Post* with Reuters 19 Jan. 2018).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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