

Jan 13, 2025

## **Submission of NGO Monitor to the 82nd Session of the Committee against Torture for the List of Issues of the “State of Palestine”**

NGO Monitor, a project of the Institute for NGO Research,<sup>1</sup> an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits the following information to the Committee against Torture in advance of its adoption of the List of Issues of the “State of Palestine” and its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We hope that this submission will aid the Committee in its review and in the preparation of its report.

### **Introduction**

This submission focuses on the rampant campaign of torture within the Palestinian Authority (PA), violating the PA’s obligations under the CAT. This campaign of torture is endemic throughout Palestinian society, targeting children, LGBTQ+, “collaborators” with Israel, and perceived opponents of Hamas. Additionally, since the brutal attack by Hamas on October 7th, Hamas has engaged in the torture of more than 200 hostages and their family members, as well as opponents of their regime. Any review of the PA’s compliance with the CAT must address these issues in depth. Failure to do so will represent a significant lapse in evaluating the PA’s adherence to and compliance with the Convention.

We also call the Committee’s attention to the PA’s political warfare campaign against Israel that prioritizes zero-sum campaigns to demonize Israel at the expense of improving the lives of the Palestinian people – notably in the realms of health, economics, and water. The on-going political infighting between the PA and Hamas has also resulted in human rights violations by both the PA and Hamas against Palestinians primarily in Gaza in violation of the CAT.

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We are also highly disturbed that the PA's report to the Committee and claims made by NGOs that have participated in this and other treaty body reviews of "State of Palestine" appear to use the ongoing armed conflict with Israel and control of Gaza by Hamas to excuse or diminish the PA's obligations under the CAT. The PA's obligations to uphold the CAT do not cease in the context of armed conflict or situations of occupation.

More than 95% of the Palestinian population falls under the control of the Palestinian Authority and the PA has jurisdiction and control over many aspects of life for Palestinians living in Jerusalem and Area C of the West Bank. In Area C, for instance, the PA retains jurisdiction and control over education, health, non-security related criminal offenses, and other matters pertaining to the daily life and human rights of Palestinians living in those areas. This jurisdiction and responsibility also includes Gaza. It is important, therefore, that the Committee does not give the PA a pass on compliance with its obligations under the a CAT while shifting blame onto others. The Committee is tasked with upholding human rights as specified by the CAT. The PA purports to be a state, even though it does not meet the legal criteria for statehood, and it acceded to the CAT, despite the manipulation of established treaty rules to do so. The PA is therefore bound by its choices and the Committee must not indulge excuses by the PA for noncompliance.

The violations outlined in this submission fall under Articles 2, 4, 12, 14, and 16.

### ***Hostage-Taking as Torture***

On October 7, 2023, thousands of Palestinian terrorists breached the border from Gaza invading Israel, massacring 1200 people, torturing and maiming thousands, including 36 children who were slaughtered in their homes. Several of them were horrifically burned alive, while others were brutally murdered in the presence of their parents, or forced to witness their parents being killed before they were murdered as well. Hamas, and other terrorist groups, also kidnapped more than 200 individuals, of which 30 were children, including a 9-month old baby.

In November 2023, Israel and Hamas agreed to a temporary ceasefire. The terrorist organization responsible for the October 7 massacre of 1200+ people in Israel, instead of releasing all 250 of hostages held cruelly captive by Hamas, released 104 hostages, and forcing Israel to release hundreds of Palestinian criminals convicted of violent crimes including murder, rape, and torture. Hamas refused to release a baby and a young boy, and several teenage girls who are currently being sexually assaulted, tortured, and starved. On

August 29, Hamas executed at point blank range six Israeli hostages who had been held in unspeakable conditions in a Hamas tunnel. According to [statements by released hostages](#), hostages suffered physical and psychological abuse, sexual atrocities, starvation, and unconscionable hygienic conditions. Hamas drugged children and branded them using an exhaust pipe of a motorcycle. Any child who cried was threatened with a gun and children were forced to [watch videos](#) of Hamas atrocities committed against Israel. Many of the children had [skin rashes, lice infestations, and infected wounds](#). Many of the hostages were confined in tunnels in darkness with insufficient food and water. Medical [examinations](#) of returned hostages showed severe physical deterioration and a [decline](#) of their physical and mental well-being, including PTSD, depression, and anxiety.

On September 1, 2024, the Israel Defense Forces discovered the bodies of the six executed hostages in a tunnel in Rafah, Gaza. The hostages, which were shot at close range, bore indications of torture and severe ill-treatment. The bodies were severely emaciated due to prolonged starvation, with some reportedly weighing as little as 88 pounds (40 kilograms).

The holding of human beings in such conditions clearly constitutes a form of torture.

Hamas also engaged in sexual assault, publishing horrific images on social media showing members of Hamas engaging in sexual assault. The returning hostages provided [testimonies](#) about explicit accounts of rape and sexual assaults,

In the over 400 days since, the international community has done very little to secure the release of the hostages. International bodies like UNRWA and the ICRC have ignored the plight of the hostages. Some are facing lawsuits for aiding and abetting Hamas' international crimes. Humanitarian actors also enabled the kidnappers and murderers, looking the other way, and remaining silent about Hamas exploitation of civilian infrastructure. Around the world, posters featuring the faces of the kidnapped have been defaced and torn down, erasing crimes against Israelis and attempting to sway public opinion away from Israeli victims.

To date, 100 hostages are still being held by Hamas. The PA must stop its complicity in hostage taking and do more to aid in the release of the hostages, While the PA may claim that they are not responsible for the actions of Hamas in Gaza, the PA state includes the territory of Gaza and therefore they can not shirk their obligations.

### ***The Families of Hostages as Victims of Torture***

Torture by Hamas does not end with the hostages themselves. Family members of the hostages have also faced mental torture and unrelenting, unbearable pain of not knowing the status of their loved ones. Many family members witnessed the atrocities firsthand as Hamas filmed the abductions and live streamed them on social media, clearly aimed at torturing the families of the victims, and the Israeli population at large. Hamas has illegally used the hostages as a bargaining chip, not disclosed their location or condition, and has published videos of them begging for lives.

Family members have been working incessantly to bring their relatives home leading to physical and psychological harm. Families experience constant emotional turmoil, facing chronic anxiety as they bounce between hope and despair. According to a [report](#) by the Hostages and Missing Families Forum, many families have faced impairments, including disruptions in employment and withdrawal from daily life.

Some have even faced harassment while traveling abroad from “Free Palestine” activists.

The PA has done nothing on behalf of the hostages or the hostage families. They refuse to call for their unequivocal release nor done anything to get food, medical treatment, ICRC visits, or communications to their families.

### ***Ignoring Torture of LGBTQ+***

The LGBTQ+ community faces heavy discrimination and hardship under the PA. Torture and abuse of LGBTQ Palestinians by Hamas and the PA is so frequent and severe that Tel Aviv University law professors and refugee law specialists Anat Ben-Dor and Michael Kagen [have proposed](#) that LGBTQ+ Palestinians be granted asylum in Israel.

For example, in February 2016, Mahmoud Ishtiwi, commander of Hamas’s armed wing (Izzedine al-Qassam Brigades), was [tortured and murdered by Hamas for purportedly being gay](#). According to [documents](#) found in April 2024, following Ishtiwi’s execution, Hamas continued to locate and torture any Hamas member thought to be gay. The documents cited examples from 2018, when five Hamas members were arrested and interrogated for “committing the abomination of lying with a man” among other reasons. Additionally, in October 2022, Ahmad Abu Marhia was [kidnapped and brutally beheaded](#) in Hebron after his sexual orientation was revealed.

### ***Torture of Palestinian Civillians by Hamas***

Hamas operatives have routinely engaged in extrajudicial executions and torture of civilians in Gaza. The majority of these individuals have been executed for alleged collaboration with Israel, while others have voiced their opposition to Hamas.

In November 2024, the Israel Defense Forces [uncovered years' worth of footage](#) of Hamas operatives torturing Palestinian civilians. According to the military, the footage, captured over a two-year period in 2018-2020, exposes "Hamas's brutal methods for interrogating civilians, violating human rights and systematically oppressing residents suspected of opposing the organization's rule." The [footage](#) showed prisoners with sacks over their heads, chained to floors and ceilings, and being beaten with sticks. One scene showed a guard reclining in a chair as a prisoner hangs from the ceiling in front of him.

### ***Abuse of Children by the Palestinian Authority and Palestinian Terrorist Factions***

NGO Monitor has researched the abuse and the cruel and degrading treatment that children in the West Bank and Gaza face. Children are trapped in a system, suffering systematic violations by ruling-party Fatah and Hamas. Through physical and mental abuses, the PA and Hamas have prioritized their terror campaign against Israel over the welfare of Palestinian children. The PA and Hamas lead a rampant campaign of incitement targeting children and the endemic recruitment and use of child soldiers by the Palestinian Authority (PA), Hamas, and other terrorist factions. This campaign of incitement is endemic throughout Palestinian society and has damaged many generations of Palestinian children.

Despite the clear obligations mandated by the various international agreements and human rights conventions, and the PA's assent thereto, the Palestinian Authority has routinely ignored the protection of children. Not only does the PA fail to protect its children from incitement, it has fully adopted and implemented a program specifically targeting children, flooding them with racist and antisemitic messages, encouraging children to participate in violence, and heroicizing those who engage in antisemitism and extreme violence. This program strongly emphasizes the commission of hate-based violence against Jewish civilians.

The Palestinian Authority, Fatah, Hamas, and other armed factions routinize the grooming of children from an early age as combatants in the Palestinian war against Israel and Jews. They have enacted a widespread and systematic program of violent and antisemitic

incitement. Children are encouraged by cuddly animals on PA and Hamas TV to kill Jews. Fatah publishes manuals for kids on how best to kill with stones and knives.

Recreation centers and sports tournaments are named after terrorists, including kids who kill. UNRWA schools teach antisemitism, hate, and glorify Palestinian killers and the elimination of Israel. Kids are encouraged to skip school to participate in violent riots, slingshot rocks at passing cars, and even to stab children and mothers to death in their homes.

In July 2023, Hamas held a summer camp called “[Shield of Jerusalem](#).” Attended by 100,000 children and teens from elementary through high school, the camp offered “military training and instruction in the handling and use of various weapons, in order to ‘train the generation of liberation and victory.’” Photos posted on social media show hundreds of children holding Kalashnikov rifles, RPGs, and mortars, practicing storming IDF bases and facilities, training in front of mock Israeli tanks and Hamas underground infrastructure, and posing with pictures of terrorists.

Additionally, the PA is also a leader in state-sponsored antisemitism, propagating anti-Jewish propaganda in textbooks. IMPACT-se, has [documented](#) significant incitement of Palestinian children in the educational curriculum. For example, the Palestinian curriculum uses “subliminal violent messaging” in math, science, and other subjects.

Rather than promoting a positive supportive environment for Palestinian children to thrive, the PA and armed groups foster hatred, antisemitic discrimination, prolonged armed conflict, and endemic societal violence. This poisonous campaign is not only a violation of the PA’s obligations under UN guidelines but is the primary obstacle to peace with Israel.