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HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW IN 2018

26 February 2019

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PALESTINE (STATE OF)

Palestine (State of)

Head of state: **Mahmoud Abbas**

Head of government: **Rami Hamdallah**

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip continued their crackdowns on freedom of expression and peaceful assembly. Palestinian forces in the West Bank and Gaza used arbitrary arrests and detention against people criticizing the authorities to which they reported. Widespread torture and other ill-treatment of detainees remained common and were committed with impunity under both authorities. Security forces in the West Bank used excessive force while conducting arrests and dispersing peaceful protests. The Palestinian authorities based in Ramallah continued to impose punitive measures against people in Gaza that exacerbated the dire humanitarian crisis resulting from Israel's 11-year illegal blockade. Women in both the West Bank and Gaza faced discrimination and violence. Courts in Gaza continued to hand down death sentences. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people were subjected to arbitrary arrest and ill-treatment.

BACKGROUND

The divisions between the Fatah-led Palestinian authorities in the West Bank and the de facto Hamas administration in the Gaza Strip deepened following an assassination attempt on Palestinian Prime Minister Rami Hamdallah on 13 March during a visit to Gaza. Efforts by Egypt to reconcile the rival political parties of Fatah and Hamas broke down.

In April, the Central Council of the Palestinian Liberation Organization (PLO) convened for the first time in 22 years in response to the USA's recognition of Jerusalem as Israel's capital. Hamas and Islamic Jihad, neither of which is currently a member of the PLO, were invited to the meeting but did not attend; the Popular Front for the Liberation of Palestine, which is a member, boycotted the meeting, seeing it as a way for the Palestinian president to circumvent democratic processes.

A new social security law approved by the Palestinian government in Ramallah came into force on 1 November. The law faced strong popular opposition, drawing some of the largest demonstrations in the West Bank in years. Opponents of the law were worried that monthly employee deductions would be unmanageable for workers and that the Palestinian authorities were either not stable enough or too corrupt to guarantee the security of their contributions.

In September, the US administration stopped funding the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which provides vital services for some 5 million Palestinian refugees. The decision left shortfalls in humanitarian funding in the Occupied Palestinian Territories, particularly the Gaza Strip where almost 80% of the population depends on aid.

Gaza remained under an Israeli air, sea and land blockade, in force since 2007. Egypt continued to enforce an almost total closure of the Rafah border crossing with Gaza, compounding the dire economic and humanitarian situation for Gaza's 2 million inhabitants. The UN Office for the Coordination of Humanitarian Affairs warned that Gaza was on the brink of a humanitarian catastrophe.

FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

With the Palestinian Legislative Council still dormant, President Mahmoud Abbas issued decrees that restricted freedom of expression and peaceful assembly, and limited the ability of civil society organizations to operate freely. Meanwhile, the authorities in both the West Bank and Gaza arbitrarily arrested peaceful demonstrators and critics, including journalists, university students and human rights activists, and persisted in their crackdown on online expression.

According to the Palestinian Centre for Development and Media Freedoms, an NGO, the Palestinian authorities in the West Bank were responsible for 77 attacks on media freedom during the year. These included arbitrary arrests, ill-treatment during interrogation, confiscation of equipment, physical assaults and bans on reporting. The Hamas authorities in Gaza were responsible for 37 such attacks.

The Palestinian authorities in the West Bank continued to clamp down on online freedom of expression through the amended Electronic Crimes Law. In May, Ahmad Awartani, a youth council leader in the town of Anabta, was charged with defamation in relation to a Facebook post in which he said that he did not pledge loyalty to President Abbas.

In July, Palestinian forces arrested four Palestinian activists, including one journalist, because of their online activism and opposition to the sanctions imposed on Gaza by the Ramallah-based authorities. On their release, Ibrahim al-Masri, Huthifa Abu Jamous, Hussein Shejaiya and Ghassan Atawneh were told that action would be taken against them under the Electronic Crimes Law if they did not sign a pledge to refrain from inciting opposition to the Ramallah-based authorities on social media.

EXCESSIVE USE OF FORCE

Security forces in the West Bank and Gaza continued to use excessive force to disperse peaceful demonstrations and during arrests.

On 13 June, the West Bank-based security forces quashed a demonstration organized by Palestinian activists in Ramallah demanding that the Ramallah-based authorities lift the sanctions imposed on the Hamas-run Gaza Strip. At least 52 demonstrators and bystanders were arbitrarily arrested and beaten in detention. Amnesty International staff member Laith Abu Zeyad was among those arbitrarily detained and beaten. He had been apprehended and attacked by two security officials in civilian clothes on his way to monitor the demonstration.

On 18 June, men in civilian clothes affiliated with the Hamas de facto administration attacked a peaceful demonstration calling for an end to the 11-year political division between Fatah and Hamas, including by beating protesters with batons and forcing journalists to delete photos and videos of the demonstration.

On 9 August, Palestinian security forces killed Ibrahim Odeh al-Jahalin from the town of al-Ezariyeh in the West Bank during an operation targeting the illegal sale of diesel fuel. The young man was a bystander and was mistakenly shot in the head in a situation where the use of lethal force was unnecessary.

On 20 September, customs police in the West Bank city of Jericho severely beat a grocery store owner in the village of al-Auja for allegedly selling unlicensed tobacco products. A video shows masked men carrying weapons and assaulting the man and his two sons. The Ramallah-based authorities announced they would open an investigation.

TORTURE AND OTHER ILL-TREATMENT

While the State of Palestine's ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 29 December 2017, Palestinian security forces in both the West Bank and Gaza continued to use widespread torture and other ill-treatment with impunity. The Independent Commission for Human Rights (ICHR) received 285 allegations of torture and other ill-treatment of detainees held in the West Bank and Gaza.

On 3 August, Ahmad Abu Hamada, also known as "Zabour", died in custody. Palestinian police said he suffered a heart attack while his family claimed that his death was a result of ill-treatment. His family called for an investigation, but the Palestinian government did not open one.

ARBITRARY DETENTION

Palestinian authorities in the West Bank used a 1954 law to administratively detain dozens of people on the order of a regional governor, many on political grounds, according to Palestinian human rights organizations. Such detentions require no charges and lack due process. The ICHR documented 201 cases of such detentions.

WOMEN'S RIGHTS

Women and girls continued to face discrimination in law and practice, and were inadequately protected against sexual and other gender-based violence, including so-called "honour" killings. At least 21 women and girls were reported to have been killed in the West Bank and Gaza, mainly by male relatives in "honour" killings, according to civil society organizations.

On 14 March, in a welcome step, Palestinian authorities repealed Article 308 of the 1960 Penal Code that had allowed individuals suspected of rape to avoid prosecution and imprisonment if they married their victims.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Despite increasing protests both in Gaza and the West Bank the Palestinian authorities based in Ramallah continued to impose punitive measures against Gaza; these included decreasing electricity and water subsidies, restricting the entry of medicine, and decreasing or freezing salaries together with cutting off financial assistance to hundreds of families. For example, in May, the West Bank authorities imposed new salary cuts to some 38,000 civil servants in Gaza, without warning or justification; their salaries dropped to 35% of their value in 2016, severely impacting their and their families' right to an adequate standard of living.

DEATH PENALTY

In June, the State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, neither the Palestinian authorities in the West Bank nor the Hamas de facto administration in Gaza took any steps to translate this commitment into practice.

In Gaza, Hamas-administered courts sentenced at least 12 people to death.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

Even though same-sex relationships were not criminalized in the West Bank, alQaws for Sexual and Gender Diversity in Palestinian Society, a civil society organization, documented five cases of LGBTI activists who were arbitrarily arrested and ill-treated by Palestinian security forces in the West Bank; all were released after a few hours. The organization also reported that a number of other LGBTI individuals were arbitrarily arrested and questioned by such forces.

Meanwhile, Section 152 of the Penal Code applicable in Gaza continued to criminalize homosexual acts and consider them punishable by up to 10 years' imprisonment.

ABUSES BY ARMED GROUPS

Palestinian armed groups in Gaza occasionally fired indiscriminate rockets into Israel, killing one Palestinian civilian. While the Hamas authorities prevented rocket firing much of the time, they failed to prosecute those responsible. While most of the Palestinian attackers responsible for stabbing, shooting and carrying out other attacks on Israelis in the West Bank and Israel, which killed eight Israeli civilians during the year, were not members of Palestinian armed groups, these groups frequently praised the attacks.

JUSTICE SYSTEM

On 5 September, 14 of the 27 judges on the Palestinian Supreme Court resigned in protest at the amendment of the judicial authority law by the Justice Sector Development Committee established by President Abbas by decree on 6 September 2017. The Palestinian Judges' Club said that the amendment would bring the judicial sector fully under the control of the executive.

The Palestinian authorities in the West Bank received judicial backing to consider the police as a military rather than a civilian institution. As a result, police officers could only be tried in military courts, making it harder for victims of police abuse to access justice.