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## Freedom in the World 2011 - West Bank

**Capital:**

**Population:** n/a

Political Rights Score: 6 \*

Civil Liberties Score: 5 \*

Status: Not Free

### Explanatory Note

Whereas previous editions of *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions, the present edition divides the territories based on geography, with one report for the West Bank and another for the Gaza Strip. As in previous years, Israel is examined in a separate report.

### Overview

Although the Palestinian Authority was credited with facilitating economic and security improvements in the West Bank in 2010, President Mahmoud Abbas continued to serve after the 2009 expiration of his elected term, and his appointed government functioned without an elected legislature. No new elections had been scheduled by year's end. A short period of direct peace talks between Abbas's government and Israel ended in late September after Israel refused to extend a moratorium on settlement construction, and the territory suffered from regular, often violent confrontations over land and other issues during the year.

The West Bank was demarcated as part of the 1949 armistice agreement between Israel and Jordan following the 1948 Arab-Israeli war. It consists of the land between the armistice line in the west and the Jordan River in the east. The territory was subsequently occupied and annexed by Jordan. During the 1967 Six-Day War, Israel conquered the West Bank along with the Gaza Strip and other territories, and subsequently annexed East Jerusalem, leaving the rest of the West Bank and Gaza under a military administration.

After 1967, Israel began establishing Jewish settlements in the West Bank, a process that – along with the annexation of East Jerusalem – was regarded as illegal by most of the international community. Israel maintained that the settlements were legal since under international law the West Bank was a disputed territory. In what became known as the first *intifada* (uprising), in 1987, Palestinians living in the West Bank and Gaza staged massive demonstrations, acts of civil disobedience, and attacks against Israeli settlers and Israel Defense Forces (IDF) troops in the territories, as well as attacks within Israel

proper. Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for a PLO renunciation of terrorism and recognition of Israel, Israeli troop withdrawals, and phased Palestinian autonomy in the West Bank and Gaza.

In subsequent years, the new Palestinian Authority (PA) took control of 40 percent of West Bank territory, including 98 percent of the Palestinian population outside of East Jerusalem. As stalled negotiations on a final settlement and the creation of a Palestinian state headed toward collapse, a second intifada began in September 2000, and the IDF reentered most PA-administered areas.

After Arafat died in November 2004, the PA in January 2005 held its second-ever presidential election, which had been repeatedly postponed; the first voting for president and the Palestinian Legislative Council (PLC) had taken place in 1996. Mahmoud Abbas of Arafat's Fatah faction won the 2005 contest with 62 percent of the vote in the West Bank and Gaza. In municipal voting in the West Bank, Fatah won most municipalities, but the Islamist faction Hamas posted impressive gains. Each group accused the other of fraud, and there was some election-related violence.

Hamas won the January 2006 elections for the PLC with 74 of 132 seats, while Fatah took just 45. Fatah and Hamas then formed a unity government headed by Prime Minister Ismail Haniya of Hamas. Israel, the United States, and the European Union (EU) refused to recognize the new government, citing Hamas's involvement in terrorism and its refusal to recognize Israel or past Israel-PA agreements. The United States and the EU, then the largest donors to the PA, cut off assistance to the government.

Armed clashes between Hamas and Fatah supporters escalated in 2007, and in June Hamas militants seized Fatah-controlled facilities in Gaza. Thousands of Gazans, particularly those loyal to Fatah, fled along with most Fatah militants to the West Bank. Abbas subsequently dismissed the Hamas-led government, declared a state of emergency, and appointed an emergency cabinet led by former finance minister Salam Fayad. This resulted in a bifurcated PA, with Hamas governing Gaza and Abbas and Fayad governing the roughly 40 percent of the West Bank not directly administered by Israel. Fatah later cracked down on Hamas in the West Bank, arresting its officials and supporters, shutting down its affiliated civic organizations and media outlets, and allegedly torturing some detainees.

In the years after the split, the Fatah-controlled PA in the West Bank benefited from renewed U.S. and EU aid as well as tax revenues released by Israeli authorities. So-called confidence-building measures between Israel and the PA in the West Bank included the release of hundreds of Palestinian prisoners held in Israel, the wider deployment of Palestinian security forces, and the lifting of a number of Israeli checkpoints.

Nevertheless, the IDF reportedly still controlled about 60 percent of the West Bank, and construction continued on a security barrier that ran roughly along the West Bank side of the 1949 armistice line and often jutted farther into the territory to place densely populated Jewish settlements on the Israeli side. Palestinians complained that the barrier, which by the end of 2010 was about 70 percent complete, expropriated West Bank land and collectively punished ordinary Palestinians for acts committed by terrorists. Since construction of the barrier began, attacks inside Israel have decreased by 90 percent. The International Court of Justice declared the barrier illegal in 2004.

Countering a trend of settlement expansion in recent years, Israel froze settlement construction in the West Bank for most of 2010, though construction continued in East Jerusalem. The freeze was initiated under U.S. pressure for the resumption of direct peace talks between Israel and the West Bank PA, which began in early September. The PA soon broke off the talks after Israel declined to extend its moratorium on settlement construction after it expired later that month.

### **Political Rights and Civil Liberties**

In 1988, Jordan rescinded citizenship for West Bank Palestinians, and Israel never granted them citizenship. Most Palestinian residents are citizens of the Palestinian

Authority (PA), a quasi-sovereign entity created by the 1993 Oslo Accords. Jewish settlers in the West Bank are all Israeli citizens.

The PA president is elected to four-year terms. The prime minister is nominated by the president but requires the support of the unicameral, 132-seat Palestinian Legislative Council (PLC), which also serves four-year terms. Voting in the West Bank during the 2005 presidential and 2006 PLC elections was deemed largely free and fair by international observers. However, there were credible reports of PA resources being used to benefit Fatah candidates in 2006, and some voters said they had difficulty reaching polling stations because of Israeli roadblocks.

After the bifurcation of the PA in 2007, elected officials on both sides were prevented from holding office and performing their duties. President Mahmoud Abbas appointed a new cabinet in the West Bank that lacked the PLC's approval. In 2008, PA security forces aligned with Abbas arrested hundreds of Hamas members and supporters. The rift, combined with Israel's detention of many Palestinian lawmakers, prevented the PLC from functioning, and its term expired in 2010.

Abbas's term as president expired in 2009. However, because presidential and legislative elections were tentatively scheduled for 2010, PA officials in the West Bank contended that he was entitled to serve another year under the PA's Basic Law, and the PLO indefinitely extended his term in December 2009. The January election date was subsequently canceled, and no new date had been set by the end of 2010.

Also in 2009, Abbas issued a law permitting the Fatah-affiliated minister of local government to dissolve municipal councils after their four-year mandates expired. The law was executed in October 2009, and nearly all Hamas-controlled municipal officials were replaced by Fatah officials.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship. However, many choose not to seek citizenship out of solidarity with Palestinians in the West Bank and Gaza Strip, believing East Jerusalem should be the capital of an independent Palestinian state. Those who do not choose Israeli citizenship can vote in municipal as well as PA elections, but are subject to restrictions imposed by the Israeli municipality of Jerusalem. In the 2006 PLC elections, Israel barred Hamas from campaigning in the city. By law, Israel strips Arabs of their Jerusalem residency if they remain outside the city for more than three months. East Jerusalem's Arab population does not receive a share of municipal services proportionate to its size.

Corruption remains a major problem in the West Bank, though Abbas has overseen some improvements. Prime Minister Salam Fayad, appointed by Abbas in 2007, is highly regarded for his commitment to transparent government, and has been credited with significantly reducing corruption at the higher levels of the PA.

The media are not free in the West Bank. Under a 1995 PA press law, journalists may be fined and jailed, and newspapers closed, for publishing "secret information" on PA security forces or news that might harm national unity or incite violence. Several small media outlets are routinely pressured to provide favorable coverage of the PA and Fatah. Journalists who criticize the PA or Fatah face arbitrary arrests, threats, and physical abuse. Since 2007, both the PA and Israeli forces have shut down Hamas-affiliated radio and television stations in the West Bank. In February 2010, a PA military court sentenced Hamas-affiliated Al-Aqsa television correspondent Tareq Abu Zaid to a year and a half in prison for "transferring information and money," despite a Palestinian Supreme Court ruling calling for his release. In July, the PA Ministry of Communications issued notices to 19 radio and 25 television stations to stop broadcasting for one month and "correct their positions" or face permanent closure, according to the Palestinian Center for Development and Media Freedoms (MADA). International press freedom groups regularly criticize Israel for blocking journalists' access to conflict zones, harming and sometimes killing reporters during battles, and harassing Palestinian journalists. Israel insists that reporters risk getting caught in crossfire but are not targeted deliberately. Both Palestinian and Israeli security forces were accused of assaulting and arbitrarily detaining several journalists in 2010.

The PA generally respects freedom of religion, though no law specifically protects religious expression. The Basic Law declares Islam to be the official religion of Palestine and also states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Personal status law, which governs marriage and divorce, is based on religious law; for Muslims it is derived from Sharia (Islamic law), and for Christians it is governed by ecclesiastical courts. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. In late October, blogger Waleed Hasayin was arrested on charges of defaming Islam and the Koran and violating the PA's blasphemy laws; Hasayin was still being detained at year's end while the PA investigated the allegations.

Israel generally recognizes the right to freedom of worship and religion in the West Bank. On a few occasions following clashes in 2010, Israeli forces restricted Muslim men under age 50 from praying at the Temple Mount/Haram al-Sharif compound in Jerusalem. Also during the year, Jewish settler militants attacked and desecrated mosques in Beit Fajjar, Lubban al-Sharqiya, and Hawara. In November, local Palestinians alleged that Israeli authorities demolished a mosque near the village of Khirbet Yarza, though the IDF claimed that the building was temporary and built in a military free-fire zone.

The PA has authority over all levels of education. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Schools have sometimes been damaged during military actions, and student travel between the West Bank and the Gaza Strip has been limited. Israeli academic institutions in the West Bank are increasingly subject to international boycotts. In August 2010, over 150 Israeli academics announced their refusal to lecture or work at such institutions. According to the Association for Civil Rights in Israel (ACRI), East Jerusalem's schools are badly underfunded compared with schools in West Jerusalem.

The PA requires permits for demonstrations and prohibits violence and racist sloganeering, though the latter are routinely on display during anti-Israel protests. Protests against PA policies are generally disallowed and forcibly dispersed, and Hamas has been effectively banned from holding demonstrations in the West Bank. The IDF sometimes respects freedom of assembly, though permission is required and demonstrations are routinely broken up with force. In 2010, Israeli authorities renewed the use of Military Order 101, which requires an IDF permit for all "political" demonstrations of more than 10 people. Israeli forces continued to restrict and break up frequent and sometimes violent demonstrations in opposition to the security barrier, especially those near the towns of Bil'in and Nil'in. In March, Israeli authorities barred foreigners and Israelis from the towns and declared the nearby protest areas to be closed military zones every Friday for six months. The IDF – which cited over 100 injuries to its personnel – regularly used rubber-coated bullets, stun grenades, and tear gas against the protesters, and has repeatedly been accused by human rights groups of using live fire, a charge it denies. In October, an Israeli military court sentenced Abdallah Abu Ramah, a protest leader from Bil'in, to one year in prison for "incitement and riot" and protesting without a legal permit. Arrested in December 2009, Abu Ramah had already served 10 months of his sentence, which was condemned by human rights groups as well as the EU; he was released in December 2010.

A broad range of Palestinian nongovernmental organizations (NGOs) and civic groups operate in the West Bank, and their activities are generally unrestricted. Since 2007, however, many Hamas-affiliated civic associations have been shut down for political reasons. Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law.

The PA judicial system is only somewhat independent in practice, and Palestinian judges lack proper training and experience. Laws in effect in the West Bank derive from Ottoman, British Mandate, Jordanian, Israeli, and PA legislation, as well as Israeli military orders. The High Judicial Council handles most legal proceedings. Israel's Supreme Court hears petitions from non-Israeli residents of the West Bank regarding home demolitions, land confiscations, road closures, and IDF tactics. Decisions in favor of Palestinian petitioners, while rare, have increased in recent years. Though most

applications have been rejected, the Israeli Supreme Court has repeatedly ordered changes to the route of the West Bank security barrier after hearing petitions from NGOs and Palestinians. By the end of 2010, the Ministry of Defense had altered or pledged to alter the route in response to four of six such rulings.

The PA also features a military court system, which lacks almost all due process rights. These courts are used to try detainees suspected of a range of security offenses, collaborating with Israel, and drug trafficking. There are reportedly hundreds of administrative detainees currently in Palestinian jails. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured. These practices are not prohibited under Palestinian law. Defendants in military courts are not granted the right to appeal sentences; trials are often summary and occasionally result in death sentences.

Palestinians accused of broadly defined security offenses by Israel are tried in Israeli military courts, which grant some due process protections but limit rights to counsel, bail, and appeal. Administrative detention without charge or trial is widely used. According to the human rights group B'Tselem, by year's end there were 5,705 Palestinians in Israeli jails: 4,662 serving sentences, 153 detainees, 683 being detained until the conclusion of legal proceedings, 204 administrative detainees, and 3 being detained under the Illegal Combatants Law. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. Israel outlawed the use of torture to extract security information in 2000, but milder forms of coercion are permissible when the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups criticize Israel for continuing to engage in what they consider torture. Interrogation methods include binding detainees to a chair in painful positions, slapping, kicking, and threatening violence against detainees and their relatives.

While violence in the West Bank has dropped precipitously since the 2007 PA schism, there were a number of clashes in 2010. The IDF staged numerous raids, mostly aimed at Hamas militants and officials, and repeatedly confronted Palestinian protesters. Israeli settlers were frequently and at times fatally attacked by Palestinian militants, while settler militants targeted people and property in several Palestinian villages, mosques, and farms. According to B'Tselem, in 2009 and 2010 a total of 33 Palestinians were killed by Israeli security forces in the West Bank, including 7 minors and 16 noncombatants, while 8 Israelis were killed by Palestinian militants, including 1 minor and 7 noncombatants. In February 2010, Israel's inclusion of two holy sites in the West Bank – revered by both Jews and Muslims – on a list of its national heritage sites set off a strike and riots in Hebron, East Jerusalem, and Bethlehem.

Israeli soldiers accused of harassing or assaulting Palestinian civilians are subject to Israeli military law. In 2010, a number of soldiers posted photographs and videos of themselves apparently abusing Palestinian detainees on the internet, prompting an IDF investigation. A September report by B'Tselem accused the IDF of failing to adequately investigate and prosecute cases of civilian deaths in the West Bank, citing only 23 criminal investigations out of the 148 recommended by the group between 2006 and 2009. Nevertheless, several soldiers were prosecuted in 2010. However, because most soldiers are investigated and tried internally, a low percentage of them are prosecuted and convicted, and most receive relatively light sentences. In April, a military court reprimanded three officers and demoted one for their roles in a violent clash with protesters near Iraq-Burin in which four civilians were killed. In August, a Jerusalem court found the Israeli border police responsible for the death of a 10-year-old Palestinian girl who was struck by a rubber bullet in 2007, ordering the state to pay compensation to her family.

The easing of checkpoints and roadblocks and the wider deployment of PA security forces contributed to improved economic conditions in the West Bank in 2010, particularly in Nablus, Ramallah, and Jenin. However, as of August the IDF maintained 59 permanent checkpoints and over 400 roadblocks within the territory. These impose extensive delays on local travel, stunt internal and external trade, and restrict Palestinian access to jobs, hospitals, and schools. Israel's security barrier has also cut off many Palestinians from their farms and other parts of the West Bank. While most roads are open to both Israelis

and Palestinians, about 10 are open only to drivers with Israeli documents, ostensibly for security reasons. In May 2010, the IDF opened the controversial Highway 443 to Palestinian traffic following a 2009 Israeli Supreme Court ruling to that effect; Palestinians still cannot access Ramallah or East Jerusalem from the road.

All West Bank residents must have identification cards to obtain entry permits to Israel, including East Jerusalem; Israel often denies permits. In 2010, the IDF broadened the definition of "infiltrator" in the West Bank to include Palestinians who are not in the PA population registry and do not have a permit to live in the territory, exposing them to deportation within 72 hours, imprisonment, and other penalties. Human rights groups alleged that the change could subject thousands of Palestinians with Gaza residency permits to sudden deportation; Israel claimed that the change affected only a small number of people and was intended to speed up military hearings for potential deportees. As of April 2010, five people had been deported under the new rule; in addition, a number of prisoners were released into Gaza instead of the West Bank.

The Israeli NGOs Peace Now and B'Tselem report that Israel denies construction permits and demolishes unauthorized housing at a far higher rate for Palestinian residents than for Israeli settlers. In 2010, B'Tselem found that while built-up settlements occupy 1 percent of the West Bank's land, 21 percent of that is private Palestinian land. Throughout 2009 and 2010, a property dispute in the East Jerusalem neighborhood of Sheikh Jarrah – where a number of Palestinian families have been evicted in favor of Jewish residents – prompted weekly protests by both Palestinians and Israelis. In January 2010, police detained a number of activists at the protests, which have been declared illegal. In December, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) reported that Israeli authorities raised 396 buildings in 2010 for lacking permits, up from 275 in 2009. An earlier UNRWA report stated that Palestinians can legally build in an area comprising about 13 percent of East Jerusalem and that over 28 percent of Arab homes are built illegally.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have full access to universities and to many professions. Palestinian laws and societal norms, derived in part from Sharia, put women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which women are murdered by relatives for perceived sexual or moral transgressions, are not uncommon. These murders often go unpunished.

*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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