

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	104
Land:	Gaza/Vestbredden
Kilde:	Freedom House
Titel:	"Freedom in the World - Palestinian Authority-Administrated Territories"
Udgivet:	1. juni 2007
Optaget på baggrundsmaterialet:	4. februar 2008



Freedom in the World - Palestinian Authority-Administered Territories [Israel] (2007)

Population:
4,018,000

Capital:
N/A

Political Rights Score: 4
Civil Liberties Score: 6
Status: Partly Free

Ratings Change

The Palestinian Authority-Administered Territories' political rights rating improved from 5 to 4 due to the victory of an opposition group, Hamas, in relatively free and fair Palestinian Legislative Council elections in January 2006. However, the civil liberties rating declined from 5 to 6 as internecine Palestinian clashes and Israeli military operations increased, undermining the rule of law and personal autonomy.

Overview

Elections to the Palestinian Legislative Council (PLC), the Palestinian Authority (PA) legislative body, took place in January 2006. A sweeping victory for the Islamist party Hamas enabled it to form a majority government led by Prime Minister Ismail Haniyeh. However, Hamas's classification as a terrorist organization and the Hamas-led government's refusal to recognize Israel resulted in diplomatic isolation by many foreign governments and an attendant cutoff in aid money. Israel's Operation Summer Rains in mid-2006 and subsequent military actions that year featured the reentry of Israeli forces into Gaza and parts of the West Bank that had been left under PA control in 2005. Internecine violence between armed militant groups and the various security forces of the PA continued during 2006.

In the 1967 Six-Day War, Israel occupied Sinai, the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. Israel annexed Jerusalem's Old City and East Jerusalem in 1967 and the Golan Heights in 1981. In what became known as the *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly military targets in 1987 to protest Israeli rule. A series of secret negotiations between Israel and Yasser Arafat's Palestine Liberation Organization (PLO) conducted in Oslo, Norway, produced an agreement in September 1993. Premised on the land-for-peace formula articulated in UN Security Council Resolution 242 of November 1967, the new Declaration of Principles provided for Israeli troop withdrawals and gradual Palestinian autonomy in the West Bank and Gaza in exchange for an end to Palestinian terrorism and recognition of Israel. The resulting Palestinian Authority (PA) has had full or partial control of up to 40 percent of the territory of the West Bank, more than 50 percent of the territory of the Gaza Strip, and 98 percent of the Palestinian population.

At the U.S. presidential retreat of Camp David in July 2000 and at Taba, Egypt, in the fall and in early 2001, Israeli Prime Minister Ehud Barak and U.S. President Bill Clinton engaged the Palestinian leadership in the most far-reaching negotiations ever. For the first time, Israel discussed compromise solutions on Jerusalem,

agreeing to some form of Palestinian sovereignty over East Jerusalem and Islamic holy sites in Jerusalem's Old City. Israel also offered all of the Gaza Strip and more than 95 percent of the West Bank to the Palestinians. Arafat, however, rejected the offers. The Palestinian leadership rejected the Israeli proposals; analysts suggest that Arafat did not believe Israel's guarantee of contiguity of Palestinian territory in the West Bank; insisted that Israel recognize a "right of return," (allowing Palestinian refugees to live in Israel); and rejected Jewish claims to Jerusalem. After a controversial visit by Likud party leader Ariel Sharon to the Temple Mount in Jerusalem in September 2000, the Palestinians launched an uprising, known as the second, or Al-Aqsa, Intifada. Sharon became prime minister in February 2001 elections.

Insisting that the PA was not preventing terrorism, Israel responded to successive waves of Palestinian suicide bombings by staging raids into Palestinian-ruled territory, destroying weapons factories, and killing top leaders and members of radical Islamist groups such as Hamas and Islamic Jihad as well as members of the secular Tanzim and al-Aqsa Martyrs Brigades, both offshoots of Arafat's Fatah movement. Many Palestinian civilians were killed in the Israeli raids.

In April 2003, Israel and the Palestinians agreed to abide by a road map to peace put forward by the United States, Russia, the United Nations, and the European Union. The multistage, performance-based plan demanded coordinated Palestinian and Israeli steps toward peace and the eventual creation of an independent Palestinian state.

A PA presidential election was held in January 2005 to replace Arafat, who died in November 2004. The election, repeatedly postponed during Arafat's rule, was the second in the PA's history; the first voting for president and the Palestinian Legislative Council (PLC) had taken place in 1996. Mahmoud Abbas won the 2005 contest with approximately 62 percent of the vote. In subsequent municipal voting in Gaza, the Islamist party Hamas won 77 out of 118 seats in 10 districts, to Fatah's 26 seats. In a second round of West Bank and Gaza municipal voting in May, Fatah won most municipalities, but Hamas posted impressive gains. Each group accused the other of fraud, and Fatah gunmen shut down Gaza voter-registration offices preparing for legislative elections scheduled for July. In June, Abbas postponed those elections until at least early 2006.

The long-awaited PLC elections were held in January 2006. The Islamist party Hamas, running under the name "List of Change and Reform," won 74 of 132 seats. Fatah, the party formed by Arafat and led by President Abbas, won only 45 seats. The results provided Hamas with the ability to form a government without Fatah support. Hamas's popularity was due in large part to its network of health clinics and schools and its vow to fight corruption; its electoral gains were a significant challenge to the Fatah-dominated PA, which was widely viewed as corrupt. Since Hamas's ascent to power, the PA-administered territories have seen frequent armed clashes between Hamas and Fatah supporters, with the participation of various other armed factions. October featured the worst internecine fighting to date, with clashes between Palestinian security services, which were under the control of Abbas, and officials from the Hamas-dominated Interior Ministry leading to the deaths of at least 10 people in Gaza City and Khan Yunis.

Hamas's electoral victory was met with disappointment within Israel and among a

number of foreign governments. At an emergency cabinet meeting held the day of the Palestinian elections, Israeli Prime Minister Ehud Olmert's government declared its unwillingness to negotiate with a Palestinian government in which Hamas was a participant, citing Hamas's responsibility for the deaths of hundreds of Israeli civilians over several years of terrorist attacks. The United States, the single largest donor to the PA, similarly rejected the legitimacy of the new Palestinian government, announcing a halt in aid to the PA so long as it included Hamas, which was listed by the U.S. State Department as a terrorist organization. The European Union, the second most significant donor to the PA, also cut off millions of dollars in aid, demanding that Hamas renounce violence. According to the PA, the decrease in foreign aid rendered it unable to pay the salaries of thousands of civil servants, leading to widespread protests over the course of the year.

Mutual cease-fires announced by Israel and the PA in February 2005 had resulted in a significant decrease in violence between Israelis and Palestinians in the West Bank and Gaza. In August and September 2005, Israel had withdrawn about 9,000 settlers from their homes in 21 settlements in Gaza, and the PA assumed control over all of the Gaza Strip. The removal of Israeli military checkpoints, restrictions on Palestinian road travel, and the fortifications surrounding the settlements significantly enhanced freedom of movement for Palestinians inside Gaza.

However, gains in personal freedom resulting from the withdrawal from Gaza were offset in 2006 by large-scale Israeli military operations in the area. Militants from Hamas and other Gaza-based groups launched a raid on an Israeli army outpost in the western Negev Desert in June, resulting in the killing of two Israeli soldiers and the capture of an Israeli corporal. Israel responded with the reentry of significant numbers of Israeli ground forces into Gaza in July, in an operation known as Summer Rains. The fierce fighting that followed resulted in the deaths of many unarmed Palestinian civilians. Israel was condemned by human rights groups for the deaths, as well as for the destruction of a major power plant in Gaza and the resulting loss in electricity to a significant percentage of Gaza residents. These acts, along with the detention on June 29 of several PLC members affiliated with Hamas, led to charges that the true aim of Summer Rains was to topple the Hamas-led Palestinian government.

Israeli military operations in the Gaza Strip decreased somewhat between the months of August and September, but spiked in October and November. The later fighting was concentrated in the north of the Gaza Strip, an area Israel claimed was being used as a launching ground for crude Qassam rockets, and which was the site of dozens of illicit tunnels into Israel. Air strikes and shelling in and around the town of Beit Hanoun led to over a dozen Palestinian civilian deaths in early November. In the deadliest single attack on PA-controlled soil, 18 civilians were killed on November 8 by an Israeli tank shell. The attack brought condemnation from across Europe and the Middle East and led Israel to declare a halt to further shelling until the conclusion of an official inquiry. Hamas chief Khaled Mashaal vowed renewed attacks on Israeli civilians. PA-controlled areas of the northern West Bank also faced incursions by the Israeli military, notably in early October, when operations in Qabatiya and Nablus led to the deaths of four Palestinian militiamen.

Also in 2006, Israel continued its policy of targeting suspected terrorists. Israeli Air Force (IAF) strikes in February killed two members Islamic Jihad and two members of al-Aqsa Martyrs Brigades, all of whom Israel said were responsible for firing

Qassam rockets from Gaza into Israel. IAF air strikes later in February killed two senior commanders of al-Aqsa Martyrs Brigades, and strikes in June killed senior militants from Islamic Jihad and the Popular Resistance Committees (PRC), including PRC leader Jamal Abu Samhadana. Further air strikes in October killed three Hamas military commanders and at least one member of al-Aqsa Martyrs Brigades who had allegedly been involved in Qassam rocket attacks. Late November saw the announcement of a truce on the part of Israeli and Palestinian officials in an effort to halt the violence in Gaza. Israel is widely perceived to have abided by the truce, refraining from any large scale incursions into the strip. However, Kassam rocket fire from Gaza into the neighboring Israel communities continued. Israel continued to carry out arrests of Hamas and Islamic Jihad militants in the West Bank, while Palestinian factions regularly attempted attacks on Israeli targets. Israeli Premier Ehud Olmert met with Palestinian President Abbas in late December, resulting in a pledge on the part of Olmert to ease restrictions on Palestinian movement. However, the reduction in the number of checkpoints in the West Bank was minimal, and rocket fire from Gaza continued apace.

President Abbas, the leader of Fatah, and Prime Minister Ismail Haniyeh of Hamas held several meetings during the year aimed at forming a unity government. Haniyeh said that Hamas wanted a unity government in order to “lift the siege and ending [sic] the suffering of the Palestinian people,” a reference to the expected resumption of foreign aid after the installation of a more moderate Palestinian government. However, Hamas at the same time vowed never to recognize Israel or to join a government that did. Such recognition was one of the main conditions set by the “Quartet” of Middle East peace brokers—the United States, the EU, the United Nations, and Russia—for renewing direct aid to the PA.

Political Rights and Civil Liberties

The Palestinian Authority (PA) president is elected to five-year terms, and international observers judged the January 2005 presidential election to be generally free and fair. The unicameral Palestinian Legislative Council (PLC) was expanded from 88 to 132 representatives ahead of the elections in January 2006. The prime minister is nominated by the president. As per agreements with Israel, the PLC has no real authority over borders or defense policy. Laws governing Palestinians in the occupied territories derive from Ottoman, British Mandate, Jordanian, Egyptian, and PA law, as well as Israeli military orders.

In the January 2006 PLC elections, at least five parties competed in addition to the dominant Hamas and Fatah. The armed faction Islamic Jihad did not participate and urged its followers to boycott the PLC elections. While the elections were deemed largely fair by international observers, there were credible reports of the use of PA resources for the benefit of Fatah candidates, as well as campaigning by Hamas candidates in mosques, in violation of the PA’s electoral rules. Some voters reported encountering difficulty in reaching polling stations because of Israeli roadblocks, though Israel is largely credited with having allowed relatively free access during the elections.

Palestinian residents of the West Bank, Gaza, and East Jerusalem do not have the right to vote in national elections in Israel. Arabs in East Jerusalem who hold Israeli identity cards can vote in the city’s municipal elections and in PA elections. Israel allowed Palestinian residents of Israeli-occupied East Jerusalem to vote in the PLC elections, thus following the policy set in the 1996 elections. However,

Israeli authorities restricted campaigning in East Jerusalem to those parties that registered with the Israeli police, and refused to allow Hamas permission to campaign there.

Transparency and the consolidation of PA finances became priority issues in the wake of Yasser Arafat's death in 2004, due to rampant corruption during his presidency. President Mahmoud Abbas oversaw a cleanup of Palestinian finances, instituting budget controls, ending the old system of cash handouts to political loyalists and members of security services, and launching a widespread corruption probe in February 2005. While the Hamas-led government that took control following the January 2006 PLC elections expressed a willingness to subject itself to budgetary oversight, many foreign governments have nonetheless been reluctant to contribute money out of concern that it would be used for terrorist operations. Transparency International did not rank Palestine in its 2006 Corruption Perceptions Index.

A 1996 law passed by the PLC that guarantees freedom of expression has yet to be ratified. The media are not free in the West Bank and Gaza, and press freedom continued to suffer in 2006. Under a 1995 PA press law, journalists may be fined and jailed, and newspapers closed, for publishing "secret information" on Palestinian security forces or news that might harm national unity or incite violence. However, another press law, also signed in 1995, stipulates that Palestinian intelligence services do not reserve the right to interrogate, detain, or arrest journalists on the basis of their work. Nevertheless, several small media outlets have been pressured by authorities to provide favorable coverage of the PA. Arbitrary arrests, threats, and the physical abuse of journalists critical of the PA are routine. Official Palestinian radio and television are government mouthpieces. According to the International Telecommunication Union, as of 2004, 160,000 Palestinians had access to the internet.

The relative lawlessness in Palestinian areas also endangered journalists during 2006. Gunmen stormed the offices of prominent Gaza radio journalist Salim Abu Amr in September, but later released him unharmed. Abu Amr was largely seen as a Fatah supporter, and his kidnapping was believed by many to have been the work of Hamas-affiliated militiamen. Employees of Fatah-affiliated news agencies faced several violent attacks during the year, and journalists covering anti-Hamas demonstrations in September were subjected to beatings by masked men. Foreign journalists have not been immune from attack: Associated Press photographer Emilio Morenatti was abducted in Gaza in October, as were Fox reporter Steve Centanni and photographer Olaf Wiig. All were freed unharmed. Abbas has in the past ordered Palestinian television to stop airing bloody images of conflict and programs glorifying "martyrs," a common practice following the outbreak of the second intifada in 2000.

Anti-Israel preaching and incitement to violence continue to feature in mosque prayer services and on official radio and television broadcasts within PA-administered territory, despite the PA's attempts in recent years to regulate such speech. In 2006, the politicization of mosque sermons extended to intra-Palestinian rivalries as well. In May, Fatah activists called on their followers to boycott certain Hamas-affiliated mosques in response to perceived incitement against Abbas by preachers.

The PA generally respects freedom of religion, though no law exists protecting

religious expression. The basic law declares Islam the official religion of Palestine and also states that "respect and sanctity of all other heavenly religions [that is, 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, from ecclesiastical courts. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. Following remarks made in September 2006 by Pope Benedict XVI about Islam and the prophet Muhammad, churches and Christian institutions in the Gaza Strip received bomb threats. A Greek Orthodox church in Gaza City and four churches in Nablus were attacked by Muslim Palestinians wielding guns and firebombs, causing damage to the structures but no injuries.

The PA has authority over all levels of education. Some Palestinian schools teach hatred of Israel. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Israeli authorities have at times shut universities, and schools have been damaged during military operations. Throughout the intifada, schoolchildren have periodically been injured or killed during fighting.

The PA requires permits for rallies and demonstrations and prohibits violence and racist sloganeering. Nevertheless, large rallies, often marked by violent rhetoric, are regular occurrences in Palestinian areas. There are a broad range of Palestinian nongovernmental organizations and civic groups, and Hamas itself operates a large network providing social services to certain Palestinians. Active criticism of the PA was once rare, but Hamas's ascent to government has brought about an increase in antigovernment protest. There were several high-profile, antigovernment demonstrations in 2006, though the protesters were not free from intimidation.

Labor affairs in the West Bank and Gaza are governed by a combination of Jordanian law and PA decision. Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Ministry of Labor. 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 Palestinian judicial system is not independent. While the PA unveiled a draft constitution in April 2003, neither Arafat or Abbas endorsed it. Despite Abbas's 2005 consolidation of 13 security services into three, law and order remained elusive in 2006. Property laws were not always enforced, few taxes were paid, and even traffic police were in some cases too frightened to enforce rules. Palestinian judges lack proper training and experience. Israeli demands for a Palestinian crackdown on terrorism have given rise to state security courts, which lack almost all due process rights. There are reportedly hundreds of administrative detainees currently in Palestinian jails and detention centers. The same courts are also used to try those suspected of collaborating with Israel or accused of drug trafficking. Defendants are not granted the right to appeal sentences and are often summarily tried and sentenced to death. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured in Palestinian jails and are denied the right to defend themselves in court. These practices are not prohibited under Palestinian law.

Despite attempts by Abbas in 2005 to outlaw armed men on Gaza's streets, armed

factions proliferated in the PA-administered areas in 2006. News reports identified at least five autonomous armed militias operating in PA territory. In particular, armed clashes between Fatah- and Hamas-affiliated gunmen occurred throughout the year.

Violence between Palestinians and Israeli settlers is common. Settlers in the West Bank have been ambushed and murdered by Palestinian gunmen. These attacks generally go unpunished by the PA. Groups of settlers have attacked Palestinians and destroyed Palestinian property (such as olive groves), often without serious legal penalties.

The intifada and Israeli closures of the Palestinian territories have exacted a serious toll on the Palestinian economy in recent years. Citing security concerns, Israel barred Gazan workers from entering Israel beginning in March 2006. Israel's Operation Summer Rains in the Gaza Strip caused particular economic hardship. Israel has traditionally been the primary market for Gazan goods, but after the beginning of the Gaza operation in July nearly all transit points were closed. The Karni crossing, through which commercial supplies entered Gaza, was largely closed as well, though Israel permitted the entry of food aid. These closures, in addition to similar periodic closures between Israel and the West Bank, led to a marked decline in Palestinian agricultural exports in 2006.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they do have full access to universities and to many professions. A political quota system was instituted in 2005, mandating that women be represented on each party's list for PLC elections. Personal status law, derived in part from Sharia, puts women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which unmarried women who are raped or who engage in premarital sex are murdered by a relative, are not uncommon. These murders often go unpunished. Human Rights Watch released a report in November 2006 citing widespread abuse of women in Palestinian society, with reference to instances of rape victims being forced to marry assailants, and light sentences for men who kill female relatives suspected of adultery. The report pointed out that women's treatment in instances of rape or abuse is increasingly determined by tribal leaders or PA-appointed governors, and not by the courts, a situation that Human Rights Watch said leads to arbitrary decisions. The report urged the PA to make the protection of women from violence a top priority.