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Palestine (State of) 2020

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip continued to crack down on dissent, including by stifling freedoms of expression and assembly, attacking journalists and detaining opponents. Security forces in both areas used unnecessary and/or excessive force during law enforcement activities, including when imposing lockdown measures in response to the COVID-19 pandemic. Torture and other ill-treatment of detainees were committed with impunity. Women faced discrimination and violence, including killings as a result of gender-based violence. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face discrimination and lacked protection. In the West Bank, authorities made widespread use of administrative detention without charge or trial. In Gaza, civilians continued to be tried before military courts. Courts in Gaza handed down death sentences. Palestinian armed groups in Gaza occasionally fired rockets indiscriminately into Israel. Two Israeli civilians were killed after lone attacks by Palestinian individuals.

Background

The two major political factions – Fatah which runs the authorities in the West Bank, and Hamas which runs the de facto administration in Gaza – remained split.

On 15 January, President Abbas announced the postponement of parliamentary elections until further notice, citing Israel's refusal to allow elections in East Jerusalem. Both authorities introduced emergency regulations in response to COVID-19 in areas under their control. In March, the Palestinian authorities in the West Bank imposed lockdown measures, significantly restricting freedom of movement, easing some of the restrictions after a few months.

People in Gaza grappled with the virus while under an Israeli air, sea and land blockade, in force since 2007, which further threatened the fragile health care system. In September, the authorities in the Gaza Strip imposed lockdown measures after a significant COVID-19 outbreak. Egypt continued to enforce an almost total closure of the Rafah border crossing with Gaza. Qatar transferred cash into the Gaza Strip in co-ordination with Israel to pay public sector employees.

On 17 November, the Palestinian authorities in the West Bank announced that they would resume security and civil co-ordination with Israel, suspended since May, in response to Israel's plans to annex parts of the West Bank. During the suspension, the Palestinian authorities did not facilitate permits, including for medical patients to transfer from the Occupied Palestinian Territories into Israel, and stopped submitting documents as proof of identity to the Israeli-controlled population registry. The Palestinian authorities also stopped accepting the tax collected by Israel on their behalf – about 80% of their revenue – forcing them to slash the salaries of tens of thousands of public sector employees, including health workers.

Palestinian judges and civil society actors continued to protest against what they deemed to be significant executive interference in the judiciary and called on President Abbas to repeal laws by decree issued on judicial affairs.

Repression of dissent

The authorities in the West Bank and Gaza repressed dissent by arbitrarily arresting tens of peaceful demonstrators, opponents, critics, journalists and human rights activists.¹ In some cases, authorities used emergency COVID-19 regulations to stifle freedom of expression and assembly.

The Independent Commission for Human Rights (ICHR), the Palestinian national human rights institution, recorded 37 incidents of violations of freedom of expression, freedom of assembly, and freedom of the press: 21 in the West Bank and 16 in Gaza. The ICHR also recorded 158 cases in the West Bank and 118 in Gaza of the arbitrary arrests of opponents and critics. The Palestinian Centre for Development and Media Freedoms recorded 97 incidents of attacks against journalists, including arbitrary arrests, ill-treatment during interrogation, confiscation of equipment, physical assaults and bans on reporting: 36 in the West Bank and 61 in Gaza.

On 9 April, authorities in Gaza arrested activist Rami Aman, a resident of al-Rimal neighbourhood in Gaza City, and seven others after they held a video call on 6 April with a group of Israelis. While five were released, Rami Aman and two other activists were tried in a military court on charges related to treason under the Palestinian Liberation Organization (PLO) Revolutionary Penal Code of 1979. On 17 September, Rami Aman was convicted and sentenced to one year in prison, while the two others were deemed to have served their time. On 26 October, the Permanent Military Court in Gaza issued a decision to release all three on grounds of time already served in detention.

Between 11 and 25 June, authorities in Gaza arbitrarily arrested more than 50 Fatah-affiliated activists in relation to their plans to organize demonstrations to mark the 14th anniversary of the in-fighting between Fatah and Hamas. The Palestinian Centre for Human Rights reported that most of the activists said they were tortured and otherwise ill-treated in detention. None of the detained was charged and all were subsequently released.

On 19 July, authorities in the West Bank arrested 19 anti-corruption activists for holding a peaceful protest in the city of Ramallah, which breached an overly broad COVID-19 ban on assembly. While three were released, 16 were charged with “illegal gathering” and “violating the emergency rules”. All were released on bail; their trial continued.

Excessive use of force

Security forces in the West Bank and Gaza used excessive force during law enforcement activities, including when enforcing lockdown measures in response to COVID-19. Judicial authorities failed to effectively investigate these acts.

On 18 June, security forces in Gaza assaulted members of the Wishah family in al-Bureij refugee camp in the centre of the Gaza Strip when they tried to block the authorities from demolishing a structure that belonged to the family to open a new road. According to the Al Mezan Center for Human Rights, security forces injured Handoumeh Wishah, aged 90, and two of her daughters, all of whom needed hospital treatment.

On 24 June, plain-clothed Palestinian security forces shot dead Alaa al-Amouri from the West Bank town of al-Ezariyeh during an operation to implement a judicial decision to seize a rented property from the tenants. The forces opened fire when members of the al-Amouri family tried to prevent the arrest of Alaa al-Amouri and his two brothers. According to the ICHR, Alaa al-Amouri was shot in the abdomen. At least three other family members sustained bullet wounds. The Palestinian authorities announced that they would open an investigation.

On 25 July, Palestinian security forces shot and killed Imad Dweikat in the Balata Refugee Camp in the West Bank city of Nablus, when he tried to stop the arrest of a shop owner during a police operation to close shops that had opened in contravention of the lockdown measures. According to the ICHR, Imad Dweikat did not pose a threat. The Ramallah-based authorities announced they would open an investigation.

Torture and other ill-treatment

Palestinian security forces in the West Bank and Gaza routinely used torture and other ill-treatment with impunity. Between January and November, the ICHR received 95 complaints of torture in the West Bank and 51 in Gaza.

On 9 June, the General Intelligence Service in Ramallah arrested activist Mohammed Jaber after he reported following a summons. He said that interrogators had put him in stress positions including by forcing him into a small wooden cabinet for prolonged periods. He was then kept in a one square metre solitary cell for 13 days until his release on 21 June.

Violence against women and girls

Women and girls faced discrimination in law and practice and were inadequately protected against sexual and other gender-based violence, including so-called honour killings. Nineteen women died in the West Bank and 18 in Gaza as a result of gender-based violence, according to the Women's Center for Legal Aid and Counselling (WCLAC).

On 28 July, Razan Moqbel was killed near the Beitunia industrial zone, west of Ramallah. Security forces arrested her fiancé the next day and the case was referred to the Public Prosecution to carry out an investigation. On 3 August, the two families reached an agreement to drop the case in exchange for the family of her fiancé paying about NIS487,000 (approximately US\$150,000). The Palestinian authorities did not comment about the agreement which sparked a public outcry at the use of tribal customs in a criminal case of femicide.

Right to a fair trial

Palestinian authorities in the West Bank continued to use a 1954 law to administratively detain dozens of people for up to six months on the order of a regional governor, many on political grounds, according to Palestinian human rights organizations. These detentions require no charges to be brought and lack due process. The ICHR documented 43 such cases in 2020.

Authorities in Gaza continued to try civilians before military courts.

lesbian, gay, bisexual, transgender and intersex (LGBTI) people

The civil society organization alQaws for Sexual and Gender Diversity in Palestinian Society reported that LGBTI people continued to be denied the freedom to exercise their rights, even though consensual same-sex relationships are not criminalized in the West Bank. Meanwhile, Section 152 of the Penal Code applicable in Gaza criminalizes consensual same-sex sexual activity and makes it punishable by up to 10 years' imprisonment.

Death penalty

Neither of the Palestinian authorities took any steps to translate the State of Palestine's commitments under the Second Optional Protocol to the ICCPR to abolish the death penalty.

In Gaza, Hamas-administered courts continued to sentence people to death and to carry out executions.

Abuses by armed groups

Palestinian armed groups in Gaza occasionally fired rockets indiscriminately into Israel, injuring at least 27 Israelis, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The Hamas authorities failed to investigate or prosecute those responsible and occasionally allowed groups to launch incendiary kites and balloons into Israel.

Most of the Palestinians responsible for stabbing, shooting and other attacks on Israelis in the West Bank and Israel, which killed two Israeli civilians during the year, were not members of Palestinian armed groups. However, these groups often praised such attacks.

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1. [Palestine: End arbitrary detention of critics in West Bank and Gaza \(Press release, 7 May\)](#)

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