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HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2019; PALESTINE (STATE OF)

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip arbitrarily arrested tens of peaceful demonstrators and critics. The West Bank authorities persisted in their crackdown on online expression, blocking access to dozens of websites. Palestinian forces in Gaza used excessive force in response to peaceful protests. Torture and other ill-treatment of detainees were commonly reported and were committed with impunity under both authorities. Women in the West Bank and Gaza faced discrimination and violence; at least 24 women and girls were reported to have been victims of “honour” killings. At least eight lesbian, gay, bisexual, transgender and intersex (LGBTI) people were subjected to arbitrary arrest and ill-treatment in relation to their sexual orientation or gender identity. Courts in Gaza continued to hand down death sentences. The High Judicial Council, a body established to enhance the independence of judges, was dissolved. Punitive measures imposed by Palestinian authorities in the West Bank exacerbated the dire humanitarian crisis in Gaza. Palestinian armed groups in Gaza occasionally fired indiscriminate rockets into Israel, killing four Israeli civilians.

BACKGROUND

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. Such actions deepened the already dire economic and humanitarian crisis for Gaza’s 2 million inhabitants.

On 29 January, the national consensus government led by Rami Hamdallah resigned. The new government, headed by Prime Minister Mohammad Shtayyeh, was sworn in on 13 April.^[1] Mohammad Shtayyeh is a senior member of the Fatah party; his appointment was seen by Hamas and the Popular Front for the Liberation of Palestine as a blow to unity efforts. On 6 October, President Mahmoud Abbas said that he would discuss with all factions, including Hamas, plans for new parliamentary elections.

On 17 February, Israel passed a law to cut 5% of the funds it transfers to the Palestinian authorities on the basis of tax revenues it collects from Palestinians. According to Israeli officials, the deducted sum represented the money paid by the Palestinian authorities to families of Palestinians convicted and jailed by Israel for “security offences”. In protest, the Palestinian authorities refused to accept the partial tax remittances for nearly eight months. The disagreement forced them to slash the salaries of tens of thousands of civil servants.

FREEDOM OF EXPRESSION AND ASSEMBLY

The Fatah-led Palestinian authorities in the West Bank and the de facto Hamas administration in the Gaza Strip arbitrarily arrested tens of peaceful demonstrators and critics, including journalists, university students and human rights activists. The West Bank authorities persisted in their crackdown on online expression.

The authorities in the West Bank were responsible for 150 attacks on media freedom, according to the Palestinian Centre for Development and Media Freedoms. 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 41 such attacks. On 4 June, security forces in the West Bank attacked members of Hizb ut-Tahrir, a non-violent Islamist group, in a mosque in Hebron, after the group announced the celebration of a Muslim holiday a day before the official announcement. Security forces besieged the mosque, assaulted worshippers and arbitrarily arrested about 15 of them, releasing them without charge shortly afterwards.

On 10 March, the Hamas authorities in Gaza arbitrarily arrested 13 activists from the “We Want to Live” movement, which was planning to stage demonstrations four days later against the rising cost of living and deteriorating economic conditions. The arrests happened during a private meeting at a house belonging to the activist Jihad Salem al-Arabeed in the town of Jabalya in the northern Gaza Strip. Security forces stormed into the house without an arrest warrant. According to the Independent Commission for Human Rights (ICHR), the Palestinian national human rights institution, the activists were tortured and otherwise ill-treated in detention.

The authorities in the West Bank continued to clamp down on online freedom of expression using the draconian Electronic Crimes Law. The Ramallah Magistrate’s Court blocked access to 59 websites after a court decision on 21 October was made at the request of the Palestinian Attorney General. The websites were blocked on the basis that their content would “threaten national security” and “disturb public order” under Article 39 of the Electronic Crimes Law. All of the websites shared content that was critical of the authorities. Amnesty International believes that the Electronic Crimes Law arbitrarily restricts media freedom and bans online dissent, and has called for it to be repealed.

EXCESSIVE USE OF FORCE

Palestinian security forces in Gaza used excessive or unnecessary force to disperse peaceful demonstrations. Between 14 and 16 March, thousands of Palestinians demonstrated across the Gaza Strip against their dreadful living conditions. Hamas security forces used excessive force against scores of non-violent demonstrators, bystanders, journalists and NGO workers, deploying sound grenades, batons, pepper spray and live ammunition to disperse protesters.

TORTURE AND OTHER ILL-TREATMENT

Palestinian security forces in the West Bank and Gaza routinely used torture and other ill-treatment with impunity. As of the end of November, the ICHR had received 143 such allegations in the West Bank and 156 in the Gaza Strip.

Journalist and activist Amer Balousha, one of the “We Want to Live” organizers, alleged he was tortured in custody on 16 March by Hamas security forces. He said he was put in stress positions and beaten. He started a hunger strike in the initial days of his arrest to protest his detention and prison conditions. He was transferred to Kamal Adwan hospital in Beit Lahia in northern Gaza on 19 March for medical treatment for health concerns related to his hunger strike. He was released from detention on 26 March.

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 “honour” killings. The Women’s Centre for Legal Aid and Counselling documented at least 24 cases where women and girls were reported to have been victims of “honour” killings in the West Bank and Gaza in 2019, mainly by male relatives.

On 22 August, Israa Ghrayeb, a make-up artist from Beit Sahour town in the southern occupied West Bank, died after being beaten by members of her family. Israa Ghrayeb’s death sparked protests across the West Bank and Gaza, with people demanding greater protection for women and the repeal of discriminatory laws. Subsequently, on 12 September, the Palestinian Attorney General announced that his office had conducted an investigation which concluded that her death was caused by domestic violence and that three unnamed individuals had been charged with manslaughter, which is punishable by at least five years in prison.

Palestinian women’s rights groups continued to push for a comprehensive domestic violence law, a campaign launched in 2007. The Palestinian authorities in the West Bank continued to review a draft Family Protection Law, a process begun in 2016. Domestic violence is still not criminalized in the West Bank or Gaza.

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

Even though same-sex relationships are not criminalized in the West Bank, Palestinian police stated on 17 August that they would prevent any organized activities by alQaws for Sexual and Gender Diversity in Palestinian Society, a Palestinian NGO that works on LGBTI issues. The statement outraged human rights groups, but also sparked a wave of messages on social media inciting violence against alQaws and members of the LGBTI community, including death threats. The statement also violated provisions of the amended Palestinian Basic Law and international treaties ratified by the State of Palestine. The Palestinian police quickly rescinded the statement.

Meanwhile, alQaws documented at least eight cases of LGBTI individuals who were arbitrarily arrested or ill-treated by Palestinian security forces in the West Bank in relation to their sexual orientation or gender identity.

Section 152 of the Penal Code applicable in Gaza continued to criminalize consensual same-sex sexual activity and make it punishable by up to 10 years' imprisonment.

DEATH PENALTY

Neither the Palestinian authorities in the West Bank nor the Hamas de facto administration in Gaza took any steps to translate the State of Palestine's commitments under the Second Optional Protocol to the International Covenant on Civil and Political Rights to abolish the death penalty.

In Gaza, Hamas-administered courts sentenced at least four people to death; no executions were reported.

JUSTICE SYSTEM

On 19 July, President Abbas dissolved the West Bank-based High Judicial Council, a body established in 2002 to enhance the independence of judges, ensure the transparency and efficiency of their work, improve court performance and facilitate case proceedings.

Palestinian authorities in the West Bank used a 1954 law to administratively detain dozens of people for periods up to six months 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 had documented 195 such detentions as of the end of November.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Palestinian authorities in the West Bank continued to impose punitive measures against Gazans, including decreasing electricity and water subsidies, restricting the entry of medicine into Gaza, and decreasing or holding salaries. These measures exacerbated the dire humanitarian crisis in Gaza caused by Israel's 12-year blockade.

ABUSES BY ARMED GROUPS

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

[1] Amnesty International, *Palestine: New government must reverse human rights decline* (Press release, 11 March 2019), <https://www.amnesty.org/en/latest/news/2019/03/palestine-new-government-must-reverse-human-rights-decline/>

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