

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	178
Land:	Gaza og Vestbredden
Kilde:	Freedom House
Titel:	Freedom in the world 2012 – Gaza Strip.
Udgivet:	10. september 2012
Optaget på baggrundsmaterialet:	24. september 2012

Title	Freedom in the World 2012 - Gaza Strip
Publisher	Freedom House
Country	Israel Occupied Palestinian Territory
Publication Date	10 September 2012
Cite as	Freedom House, <i>Freedom in the World 2012 - Gaza Strip</i> , 10 September 2012, available at: http://www.unhcr.org/refworld/docid/504ef9859.html [accessed 24 September 2012]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom in the World 2012 - Gaza Strip

2012 Scores

Status: Not Free
Freedom Rating: 6.0
Civil Liberties: 6
Political Rights: 6

Overview

In May 2011, Egypt opened the Rafah border crossing to certain categories of Gaza residents, easing the Israeli-led blockade of the territory and increasing Gazans' access to external trade. Exchanges of artillery fire between Gazan militants and Israeli forces continued sporadically during 2011. In October, the territory's ruling faction, Hamas, released a captive Israeli soldier in exchange for hundreds of Palestinians held by Israel. Despite a May political agreement between Hamas and the West Bank-based Fatah faction, no date for overdue Palestinian elections had been set by year's end.

The Gaza Strip was demarcated as part of a 1949 armistice agreement between Israel and Egypt following the 1948 Arab-Israeli war. Populated mostly by Palestinian Arab refugees of that war, the territory was occupied by Egypt until 1967. Israel conquered Gaza, along with the West Bank and other territories, in the 1967 Six-Day War, and ruled it thereafter through a military administration.

In 1968, Israel began establishing Jewish settlements in Gaza, a process regarded as illegal by most of the international community. Israel maintained that the settlements were legal since under international law Gaza 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 Gaza and the West Bank. In 1994, the newly formed Palestinian Authority (PA) took control of most of the Gaza Strip; the PA also came to control about 40 percent of the

West Bank.

As negotiations on a final settlement and the creation of a Palestinian state headed toward collapse, a second intifada began in September 2000, and the Israeli government responded by staging military raids into PA territory.

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 subsequent municipal voting in Gaza, the Islamist group Hamas won 77 out of 118 seats in 10 districts, to Fatah's 26 seats. Each group accused the other of fraud, and there was some election-related violence.

In 2005, Israel unilaterally "disengaged" from Gaza, withdrawing all settlers and military personnel. However, it retained control of the territory's airspace, its coastline, and most of its land border, including the passage of goods and people.

Hamas won the 2006 elections for the PLC, securing 74 of 132 seats, while Fatah took 45. Hamas was particularly dominant in Gazan districts. Fatah and Hamas 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.

In June 2006, in response to the killing of eight Palestinian civilians by an artillery shell (the source of which was disputed), Hamas declared an end to a 2005 truce with Israel and accelerated the firing of Qassam rockets at Israel from Gaza. Hamas and other militant groups subsequently carried out a raid near Gaza, killing two IDF soldiers and capturing a third, Corporal Gilad Shalit. Israel responded by invading Gaza, where the IDF destroyed Qassam launchers and ammunition sites but failed to locate Shalit. The fighting killed dozens of civilians.

Armed clashes between Hamas and Fatah supporters in Gaza escalated in 2007, and in June Hamas militants took over Fatah-controlled institutions in the territory. Some 600 Palestinians were killed in the fighting, and thousands of Gazans fled – along with most Fatah militants – to the West Bank. Abbas accused Hamas of staging a coup in Gaza, dismissed the Hamas-led government, 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. Hamas security forces and militants subsequently pursued a major crackdown on Fatah in Gaza, closing Fatah-affiliated civic organizations and media outlets, and allegedly torturing detainees.

Meanwhile, Israel declared the Gaza Strip a "hostile entity" in response to ongoing rocket attacks, and imposed an economic blockade on the territory, granting passage only to food and certain other humanitarian supplies. However, arms and goods were regularly smuggled through a developing tunnel network between Egypt and Gaza. The blockade was eased after Hamas and Israel declared a six-month truce in June 2008.

War erupted between Hamas and Israeli forces in December 2008 after the truce expired and Hamas ramped up its rocket bombardment of Israeli towns near the Gaza border. The IDF launched near-daily air strikes and an almost three-week ground invasion of the Gaza Strip. Israel declared a unilateral cease-fire in late January 2009, and Hamas soon did the same. During the conflict, Israeli forces damaged or destroyed large portions of Gaza's military, government, and civilian infrastructure. According to the United Nations, some 50,000 homes, 800 industrial properties, 200 schools, and 39 mosques or churches were damaged or destroyed. For its part, Hamas launched over 700 rockets and mortar shells into Israeli civilian areas, often from civilian areas in Gaza. While the Palestinian Centre for Human Rights reported that 1,434 Palestinians were killed,

including 960 noncombatants, the IDF reported that 1,166 Palestinians were killed, including 295 to 460 noncombatants. Thirteen Israelis were killed, including three noncombatants.

Israel tightened its blockade of Gaza during the war, allowing only humanitarian goods into the territory. Following the cease-fire, the restrictions were eased somewhat to allow the transfer of a limited number of authorized goods, as well as international aid workers and individuals with specified medical and humanitarian needs. Gaza's Rafah border crossing with Egypt opened on an ad hoc basis.

In 2010 and 2011, a series of private ships carrying food and other goods attempted to break Israel's coastal blockade of Gaza. In May 2010, Israeli soldiers intercepted a six-ship flotilla from Turkey and killed nine activists on one of the ships – the *Mavi Marmara* – in an ensuing confrontation. The Israeli government was widely condemned internationally for the incident, but claimed its soldiers were acting in self-defense. Israel later eased the blockade, allowing in virtually all consumer goods while continuing to ban weapons, fertilizer, gas tanks, drilling equipment, and water disinfectant, as well as all exports and almost all travel; prohibitions on construction materials were also slightly loosened. In May 2011, Egypt opened the Rafah border crossing to women, children, and men over 40; Gazan men between 18 and 40 required a permit to cross the border, which officially remained closed to overland trade.

A November 2010 report by 21 aid groups stated that there had been "little improvement" in economic conditions in Gaza since the easing of the blockade, citing in particular the continued restrictions on exports and construction materials. These findings were echoed in a 2011 report by the UN Relief and Works Agency (UNRWA), which criticized Israeli restrictions for impeding its projects to rebuild homes and schools. In August, the British Broadcasting Corporation (BBC) reported that the opening of the Rafah border crossing and the development of more sophisticated smuggling tunnels between Egypt and Gaza had begun to relieve shortages of construction and other goods, leading to a significant increase in construction by the Hamas authorities.

Fighting between Israel and Gazan militants broke out regularly during 2011. In most cases, rocket and mortar fire into Israel from Gaza prompted Israeli air strikes and artillery bombardments, killing both combatants and civilians, including children. According to the Israeli nongovernmental organization (NGO) B'Tselem, in 2011 the IDF killed a total of 105 Palestinians in the Gaza Strip, 37 of whom were noncombatants.

In October, Israel and Hamas negotiated a prisoner exchange whereby Hamas freed IDF soldier Gilad Shalit and Israel would release 1,027 Palestinian prisoners. Of the latter, 447 were released immediately – mostly to Gaza, but some to the West Bank and foreign countries – and another 550 were freed in December.

Political Rights and Civil Liberties

Residents of Gaza were never granted citizenship by either Egypt or Israel, and are mostly citizens of the Palestinian Authority (PA). The current Hamas-controlled government in the territory claims to be the legitimate leadership of the PA. However, the authority – a quasi-sovereign entity created by the 1993 Oslo Accords – is effectively fractured, and the Hamas government implements PA law selectively.

The PA president is elected to four-year terms, and international observers judged the 2005 presidential election to be generally free and fair. However, PA president Mahmoud Abbas lost control over Gaza after the 2007 Fatah-Hamas schism, and Prime Minister Ismail Haniya continues to lead the Hamas government despite being formally dismissed by Abbas. Other Hamas ministers similarly remained in their posts in Gaza after almost all Fatah-affiliated ministers, government officials, and bureaucrats were expelled or fled to the West Bank. When Abbas's elected term expired in 2009, Hamas rejected the West Bank PA's legal justifications for his continued rule, arguing instead that the PA Basic Law empowered the head of the Palestinian Legislative Council (PLC) – Aziz Dweik of Hamas – to serve as acting president.

The unicameral, 132-seat PLC serves four-year terms. Voting in Gaza during the 2006 PLC elections was deemed largely fair by international observers, despite allegations that Hamas candidates campaigned in mosques in violation of electoral rules. However, the Hamas-Fatah rift, combined with Israel's detention of many (especially Hamas-affiliated) lawmakers, has prevented the PLC from meeting since 2007, and its term expired in 2010.

In May 2011, Hamas and Fatah agreed to form a national unity-government that would organize presidential and parliamentary elections and increase coordination between Hamas- and Fatah-aligned security forces. By year's end, however, the unity government had not yet been formed, and no date had been set for elections.

Humanitarian organizations and donor countries allege that Hamas authorities in Gaza exert almost total control over the distribution of funds and goods, and allocate resources according to political criteria with little or no transparency, creating ample opportunities for corruption. In March 2011, after authorities accused the Palestine Investment Bank in Gaza City of transferring money out of Gaza, gunmen allegedly supported by Hamas stormed the bank, taking \$250 million.

The media are not free in Gaza. In 2008, Hamas replaced the PA Ministry of Information with a government Media Office and banned all journalists not accredited by it; authorities also closed down all media outlets that were not affiliated with Hamas. In 2011, officials continued to ban the import of three West Bank newspapers – *Al-Ayyam*, *Al-Quds*, and *Al-Hayat Al-Jadida* – that are generally associated with Fatah. In January, the UN news service IRIN reported a significant increase in Gaza-based blogs. The main telephone and data network in Gaza (and the West Bank) was temporarily disabled by computer hackers in November.

According to a 2011 report on conditions for journalists by the Palestinian Center for Development and Media Freedoms (MADA), physical attacks, arrests, detentions, and confiscation of equipment by Palestinian security forces increased by over 45 percent between 2009 and 2010, a trend that continued in 2011. According to MADA, in 2011 there were 53 such violations by Palestinian authorities in Gaza. In March, Hamas security forces routinely harassed journalists covering demonstrations in favor of Palestinian unity. In one incident, plainclothes policemen raided the Gaza bureau of Reuters, beating and threatening journalists and destroying equipment. In September, the BBC reported new restrictions on foreign journalists, including a requirement that they obtain five-day advance permission to work in the territory and sign forms noting that local Palestinian colleagues will be held responsible for coverage that is critical of Hamas.

Freedom of religion is restricted in Gaza. The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Under Hamas, the authorities – including quasi-official "morality police" and Hamas-affiliated volunteer *dawa* groups – increasingly enforce orthodox Sunni Islamic practices and conservative dress. In addition, security forces and militants routinely harass worshippers at non-Hamas-affiliated mosques. Christians continued to suffer routine harassment in 2011, though violent attacks decreased from a peak in 2009.

The Israeli blockade has restricted access to school supplies. While university students are ostensibly allowed to leave Gaza, they must be escorted by foreign diplomats or contractors. A March 2011 report by the Palestinian Centre for Human Rights noted that Gazans – who recently constituted 35 percent of the student body at West Bank universities – were now mostly absent from those institutions because of the blockade. Hamas has taken over the formal education system, aside from schools run by UNRWA. A teachers' strike in 2009 led to the replacement of many strikers with new, Hamas-allied teachers. In 2010, Islamist militants burned down UNRWA summer camps, accusing the organizers of teaching young girls "dancing and immorality." In March 2011, Hamas security officials began confiscating copies of "immoral" novels from (mostly university) bookstores, according to Human Rights Watch (HRW).

Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces violently dispersing public gatherings of Fatah and other groups. In January 2011, police arrested six women who had gathered in Gaza City for a demonstration in solidarity with antigovernment protesters in Egypt. In late February and early March, police forcibly broke up several protests calling for unity between Hamas and Fatah, sealing off public squares and university campuses and beating demonstrators.

There is a broad range of Palestinian NGOs and civic groups, and Hamas itself operates a large network that provides social services to certain Palestinians. However, following the 2009 conflict between Hamas and Israel, Hamas restricted the activities of aid organizations that would not submit to its regulations or coordinate with its relief efforts, and many civic associations have been shut down for political reasons since the 2007 PA split. In July 2011, Hamas began enforcing its 2010 demand to audit the books of some 80 international NGOs in Gaza. Throughout the year, authorities harassed, detained, and summoned leaders of the Palestinian unity protests and signatories to the 2010 "Gaza Manifesto," which criticized both Israel and Hamas. Security officials also reportedly questioned Gazans who travelled to Western countries.

Independent labor unions in Gaza continue to function, and PA workers have staged strikes against Hamas-led management. However, the Fatah-aligned Palestinian General Federation of Trade Unions (PGFTU), the largest union body in the territories, has seen its operations greatly curtailed. Its main Gaza offices were taken over by Hamas militants in 2007, and the building was severely damaged in a December 2008 Israeli air raid.

Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic law, as well as Israeli military orders. The judicial system is not independent, and Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. Hamas security forces and militants continued to carry out arbitrary arrests and detentions during 2011, and torture of detainees and criminal suspects is common. The Palestinian human rights ombudsman agency – the Independent Commission for Human Rights – has been banned from Hamas detention centers for the past three years, and from Gaza's central prison since December 2010. Nonetheless, the Independent Commission for Human Rights reported 102 torture complaints against security forces in Gaza in 2011.

Hamas-run military courts have sentenced 33 people to death since 2007 and carried out at least eight official executions, mostly for treason. In July 2011, two alleged collaborators with Israel – a father and a son convicted in 2004 – were executed by firing squad.

Freedom of movement is severely restricted. Although Egypt opened the Rafah border crossing to women, children, and men over 40 in May 2011, with Gazan men between 18 and 40 requiring a permit to cross the border, the Israeli border remains sealed, with exceptions for medical cases, students, and aid workers. The regular clashes between Israeli forces and Gaza-based militants greatly restrict freedom of movement within the Gaza Strip, as does the presence of unexploded ordnance.

Freedom of residence has been limited by the violent conflicts in and around Gaza. Following the 2007 schism in the PA, thousands of Fatah-affiliated residents fled to the West Bank. Moreover, the conflict with Israel that ended in January 2009 was fought to a large extent in civilian neighborhoods, leading to the damage or destruction of some 50,000 homes.

The blockade has greatly reduced economic freedom and choice in the territory, though these conditions improved slightly in 2011. Much economic activity is conducted through a dense network of tunnels beneath Gaza's border with Egypt. The tunnels are also used to transport weapons and are routinely bombed by Israel.

Under Hamas, personal status law is derived almost entirely from Sharia (Islamic law), which puts women at a stark disadvantage in matters of marriage, divorce, inheritance, and domestic abuse. Rape, domestic abuse, and "honor killings," in which relatives murder women for perceived sexual or moral transgressions, are common, and these crimes often go unpunished. A December 2009 study by the Palestinian Woman's Information and Media Center found that 77 percent of women in Gaza had experienced violence of various sorts, 53 percent had experienced physical violence, and 15 percent had suffered sexual abuse. Women's dress and movements in public have been increasingly restricted under Hamas rule. The government has barred women from wearing trousers in public and declared that all women must wear hijab in public buildings, though these policies are enforced sporadically. In 2010, the government banned women from smoking water pipes and men from cutting women's hair. In July 2011, police began arresting male hairdressers who violated this ban.

Explanatory Note

Whereas past 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 latest two editions divide 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.

Copyright notice: © Freedom House, Inc. · All Rights Reserved
