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Freedom in the World 2011 - Gaza Strip

Capital:

Population: n/a

Political Rights Score: 6 *

Civil Liberties Score: 6 *

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

Sporadic fighting between Israeli forces and Gazan militants continued during 2010, but Israel eased its blockade somewhat after a May incident in which several activists attempting to reach the territory by sea were killed by Israeli forces. Also in 2010, Hamas officials pursued their crackdown on independent journalism, perceived public immorality, and suspected Israeli spies. No new election dates were set despite the recent expiration of the terms of the Palestinian Authority's executive and legislative bodies.

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 deadly 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 February 2005, Abbas and Israeli prime minister Ariel Sharon agreed on a formal truce that lasted through June 2006. In August 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 January 2006 elections for the PLC, securing 74 of 132 seats, while Fatah took just 45; Hamas was particularly dominant in Gazan districts. Subsequently, 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, Hamas declared an end to the 2005 truce and accelerated the firing of Qassam rockets at Israel from Gaza. The source of the artillery fire remained in dispute. 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 successfully 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 down 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 ceasefire 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 mortars into Israeli civilian areas, often from civilian areas in Gaza. Tens of thousands of Gazans were left homeless by the fighting, and shortages of water, food, and medicine were

acute. 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.

In September 2009, a UN-commissioned investigation into the war led by South African jurist Richard Goldstone accused both Israel and Hamas of war crimes, charges that were echoed by an array of international human rights organizations. Israel subsequently announced investigations into 150 allegations from the report: 36 were transferred to criminal investigations, 48 were closed, and the rest were pending at the end of 2010. In February 2010, two IDF officers were reprimanded for an artillery attack on a UN compound in Gaza that included white phosphorus munitions, and Israel agreed to pay the United Nations \$10 million in compensation. In October, an IDF military court found two soldiers guilty of using a young boy as a human shield to check for booby traps in Tel al-Hawa; they were sentenced to two years probation. The UN Human Rights Council and nongovernmental human rights organizations accused Israel of investigating only a portion of the allegations, with a focus on low-ranking officers; Hamas was criticized for failing to launch a serious investigation at all.

Israel tightened its blockade of Gaza during the war, allowing only humanitarian goods into the territory. Following the ceasefire, the restrictions were eased somewhat to allow the transfer of other 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, a series of private ships carrying food and other goods attempted to break Israel's coastal blockade of Gaza. In May, 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; a total of 632 activists were arrested and detained in Israel. The Israeli government was widely condemned internationally for the incident, but claimed its soldiers were acting in self-defense. Israel later eased the blockade substantially, 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. Nevertheless, in November, a report published by twenty-one aid groups – including Oxfam, Amnesty International, and Save the Children – stated that there had been "little improvement" in economic conditions in Gaza since the easing of the blockade, citing in particular continued restrictions on exports and construction materials.

Sporadic fighting continued between Israel and Gazan militants in 2010. Incidents of rocket and mortar fire into Israel from Gaza prompted a series of Israeli air strikes and artillery bombardments, killing both combatants and civilians. Most severely, in April, Israel staged over a dozen air strikes and a brief ground incursion into Gaza after some 20 rockets and mortar shells were fired from the territory in March, while December saw an increase in cross-border skirmishes, Palestinian rocket fire, and Israel airstrikes. According to the United Nations, 55 Palestinians were killed by the IDF in Gaza in 2010, including 22 civilians.

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, who was released from an Israeli prison that year – 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.

National unity negotiations between Hamas and Fatah were renewed under Syrian auspices in October 2010, but broke down a month later. No date for new presidential or legislative elections had been scheduled by year's end.

The Hamas-led government that took control following the 2006 PLC elections campaigned on an anticorruption platform. However, 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.

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. During the conflict between Hamas and Israeli forces that ended in January 2009, Israel banned foreign journalists from traveling to Gaza through Israeli checkpoints. It also bombed Hamas-affiliated media stations and destroyed satellite equipment on the roof of a building that housed the local offices of Iran's English- and Arabic-language television networks. Journalists were harassed, detained, and summoned for questioning by security forces throughout the 2010. In February, Hamas security forces arrested British journalist Paul Martin on suspicion of spying and detained him for 25 days. In October, Hamas closed down the office of the Palestinian Journalists' Syndicate.

Freedom of religion is restricted in Gaza. The PA 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 matters including marriage and divorce, is based on Sharia (Islamic law). 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 suffered harassment and a series of attacks in 2008 and 2009, though these were less of a problem in 2010.

In September 2009, the UN Office for the Coordination of Humanitarian Affairs reported that at least 280 of Gaza's 641 schools were damaged and 18 were destroyed during the Gaza war, and that many schools lacked essential materials in the aftermath. During the war, Hamas routinely used areas near schools to stage attacks; in addition, Israel accused Hamas of storing weapons in schools. 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 contactors. Hamas has taken over the formal education system, aside from schools run by the UN Relief and Works Agency (UNRWA). A teachers' strike in 2009 led to the replacement of many strikers with new, Hamas-allied teachers. In August 2009, the Education Ministry began requiring female students to wear hijab (headscarves) at school. In 2010, Islamist militants burned down UNRWA summer camps, accusing the organizers of teaching young girls "dancing and immorality."

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 Gaza. Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces dispersing public gatherings of Fatah and other groups and killing a number of people. In October 2010, tens of thousands of Gazans rallied in support of Islamic Jihad – an Islamist militant group occasionally at odds with Hamas – and called for the destruction of Israel. In December, another large rally of tens of thousands of Gazans was held in Gaza City to mark the twenty-third anniversary of

Hamas. 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. Many civic associations have been shut down for political reasons since the 2007 split in the PA.

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. Security forces and militants continued to carry out arbitrary arrests and detentions throughout 2010. Hamas-run military courts sentenced 16 people to death in 2009 and 2010, eight of them for treason. In April 2010, two men were publically executed by firing squad for spying for Israel. In July, Fatah officials claimed that Hamas security forces had detained over 100 Fatah activists and former PA security commanders in Gaza, and that some were tortured.

The Israeli and Egyptian blockade on Gaza severely restricts freedom of movement. Nearly all Gazans are effectively banned from leaving the territory, with exceptions for medical cases, students, and aid workers. Those who do leave typically use periodic openings of the Egyptian border, whether officially mandated or forced by nonstate actors. Within Gaza, unexploded ordnance is a serious hazard and was responsible for at least 17 deaths and 15 injuries in 2009, many of them suffered by minors.

Freedom of residence has been restricted 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 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. Hamas launched and stored rockets in densely populated areas, and Israel attacked these areas with airstrikes and raids. In 2010, Human Rights Watch accused Israel of destroying hundreds of civilian buildings in Gaza with "no military significance." Israel denied the charges.

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

Under Hamas, personal status law is derived almost entirely from Sharia, 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. Under Hamas, women's dress and movements in public have been increasingly restricted by the so-called morality police, who are tasked with enforcing orthodox Islamic customs. 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.

** 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.*

