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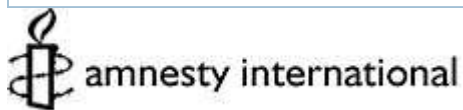
Bilagsnr.:	316
Land:	Gaza-Vestbredden
Kilde:	Amnesty International
Titel:	Amnesty International Report 2016/17 - The State of the World's Human Rights - Palestine (State of)
Udgivet:	22. februar 2017
Optaget på baggrundsmaterialet:	7. juni 2017

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- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2016/17 - The State of the World's Human Rights - Palestine (State of)
- **Publication date:**
22 February 2017
- **ecoi.net summary:** Annual report 2016/17 (covering 2016) [ID 336599]
- **Countries:**
Occupied Palestinian Territory
- **Original link** <https://www.amnesty.org/en/countries/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>

Recommended citation:

AI - Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights - Palestine (State of), 22 February 2017 (available at ecoi.net)
http://www.ecoi.net/local_link/336599/466244_en.html (accessed 07 June 2017)



Amnesty International Report 2016/17 - The State of the World's Human Rights - Palestine (State of)

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip both continued to restrict freedom of expression, including by arresting and detaining critics and political opponents. They also restricted the right to peaceful assembly and used excessive force to disperse some protests. Torture and other ill-treatment of detainees remained rife in both Gaza and the West Bank. Unfair trials of civilians before military courts continued in Gaza; detainees were held without charge or trial in the West Bank. Women and girls faced discrimination and violence. Courts in Gaza continued to hand down death sentences and Hamas carried out executions; no death sentences were imposed or executions carried out in the West Bank.

Background

Negotiations between Israel and the Palestine Liberation Organization, which was led by President Abbas, remained stalled despite international efforts to revive them. Continued tension between Fatah and Hamas undermined the Palestinian national consensus government formed in June 2014; the Hamas de facto administration continued to control Gaza.

Gaza remained under an Israeli air, sea and land blockade, in force since June 2007. The continuing restrictions on imports of construction materials under the blockade, and funding shortages, contributed to severe delays in reconstruction of homes and other infrastructure damaged or destroyed in recent armed conflicts. Continuing restrictions on exports crippled the economy and exacerbated widespread impoverishment among Gaza's 1.9 million inhabitants. The Egyptian authorities' almost total closure of the Rafah border crossing with Gaza completed its isolation and compounded the impact of the Israeli blockade.

In June, Prime Minister Hamdallah said new municipal elections would be held on 8 October. However, the Palestinian High Court ruled in September that the elections should be indefinitely suspended on the grounds that Israeli controls prevented the participation of Palestinians in East Jerusalem and due to the illegality of local courts in Gaza. Both Palestinian authorities harassed and detained opposition candidates in the period before the court's decision.

There was a marked rise in tension in Nablus, Jenin and other northern governorates of the West Bank where gunmen affiliated to Fatah clashed with the security forces resulting in some deaths.

Legal, constitutional or institutional developments

In February, President Abbas signed the juvenile protection bill into law, paving the way for the establishment in March of the West Bank's first juvenile court in Ramallah.

In March President Abbas approved the National Insurance Law establishing for the first time a state social security system for private sector workers and their families. The new law covered issues such as pensions for the elderly and the disabled, and employment injury benefits for workers in the Palestinian private sector. Civil society organizations criticized the new law, arguing that it failed to provide minimum standards of protection and social justice and could cause further marginalization of the most vulnerable.

In April a presidential decree established a nine-judge Palestinian Supreme Constitutional Court with supremacy over other Palestinian courts, a move seen widely as an unprecedented example of executive interference in the judiciary. In October, the President of the High Judicial Council was removed from his position. He stated in a media interview that he had been forced to sign his resignation at the time of his inauguration.

In December, the President stripped five members of the Palestinian Legislative Council of their immunity, including his political opponents, after a judgment by the Supreme Constitutional Court allowing him to do so. The move was criticized by civil society organizations as undermining the rule of law and separation of powers.

Palestine ratified the Kampala amendments to the Rome Statute on the crime of aggression in June. Representatives of the Office of the Prosecutor of the International Criminal Court visited Israel and the West Bank but did not travel to Gaza.

Arbitrary arrests and detentions

Security authorities in the West Bank, including Preventative Security and General Intelligence, and those in Gaza, particularly the Internal Security Service, arbitrarily arrested and detained critics and supporters of rival political organizations. In the West Bank, security forces used administrative detention by order of governors to hold detainees without charge or trial for periods of up to several months.

Unfair trials

In both the West Bank and Gaza, authorities failed to ensure adherence to basic due process rights, such as prompt access to legal counsel and the right to be charged or released. Palestinian security forces in the West Bank held detainees for long periods without trial on the orders of regional governors, and delayed or failed to comply with court orders for the release of detainees in dozens of cases. In Gaza, Hamas military courts continued to convict defendants, including civilians, in unfair trials, sentencing some to death.

Torture and other ill-treatment

Torture and other ill-treatment of detainees remained common and was committed with impunity by Palestinian police and other security forces in the West Bank, and Hamas police and other security forces in Gaza. In both areas, the victims included children. The Independent Commission for Human Rights, Palestine's national human rights institution, reported receiving a total of 398 allegations of torture and other ill-treatment of detainees between January and November; 163 from the West Bank and 235 from Gaza. The majority of complaints in both areas were against police. Neither the Palestine national consensus government nor the Hamas de facto administration in Gaza independently investigated torture allegations or held perpetrators to account.

Basel al-Araj, Ali Dar al-Sheikh and three other men alleged that General Intelligence officers held them incommunicado and tortured and otherwise ill-treated them for almost three weeks following their arrest on 9 April. They said officers beat them, forced them to remain in stress positions, and deprived them of sleep, leading them to launch a hunger strike protest on 28 August. Officers then subjected them to solitary confinement for the duration of their hunger strikes. They were released on bail and appeared before the Ramallah Magistrates' Court on 8 September on charges that included illegal possession of arms. Their trial was ongoing at the end of the year.

Ahmad Izzat Halaweh died in Jeneid prison in Nablus on 23 August shortly after being arrested. A national consensus government spokesperson said security officials had severely beaten Ahmad Halaweh prior to his death. The authorities began an investigation headed by the Minister of Justice. The investigation was continuing at the end of the year.

Freedoms of expression, association and assembly

The authorities in both the West Bank and Gaza severely curtailed rights to freedom of expression, association and peaceful assembly, harassing, arresting and detaining critics and supporters of their political rivals and forcibly dispersing protests, assaulting journalists and others.

In the West Bank, police arrested university professor Abd al-Sattar Qassem in February after he criticized the Palestinian authorities on al-Quds TV, a Hamas-affiliated broadcaster. He was charged with incitement and released on bail after five days in custody.

In Gaza, Internal Security Service officers briefly detained journalist Mohamed Ahmed Othman in September. He reported being subjected to torture and other ill-treatment in an attempt to force him to reveal the source for a government document he had published. He was released the next day without charge. He was summoned again twice in the two days following his release.

In February, a two-day walkout by West Bank teachers complaining about low pay escalated into several weeks of mass strikes and protests following heavy-handed intervention by Palestinian security forces, who set up roadblocks around Ramallah to prevent teachers joining demonstrations and arrested 22 teachers. Those arrested were subsequently released without charge. Harassment of teachers continued at the end of the year, targeting those organizing a new union.

Unlawful killings

Security forces in the West Bank killed at least three men and injured others while carrying out law enforcement activities.

On 7 June, Adel Nasser Jaradat was killed by gunfire from West Bank security forces in Silet al-Harethiya, a village northwest of Jenin. The authorities failed to hold those responsible to account.

On 19 August, security forces killed Fares Halawa and Khaled al-Aghbar in Nablus in unclear circumstances. Though the local authorities maintained they were killed in clashes, witnesses said they were alive and unarmed when the security forces seized them. An investigation was continuing at the end of the year.

In Gaza, the military wing of Hamas, the 'Izz al-Din al-Qassam Brigades, summarily executed one of their members, Mahmoud Rushdi Ishteivi, on 7 February after the group said its "Military and Shari'a Judiciaries" had sentenced him for "behavioural and moral excesses". The victim's family said he had been detained incommunicado by the Brigades since 21 January 2015. The Hamas de facto administration in Gaza took no steps to investigate or bring the perpetrators of the killing to justice.

Women's AND GIRLS' rights

Women and girls continued to face discrimination in law and in practice, and were inadequately protected against sexual and other violence, including so-called "honour" killings. Women and girls were reported to have been killed by male relatives in "honour" killings.

In February the Attorney General issued a decision establishing a specialized prosecution unit to investigate and prosecute cases of family violence and violence against women.

Death penalty

The death penalty remained in force for murder and other crimes. Courts in the West Bank did not hand down any death sentences during the year.

In May, members of the Change and Reform Bloc, the Hamas parliamentary group in Gaza, paved the way for the Gaza authorities to execute prisoners whose sentences have not been ratified by the Palestinian President, contrary to the Palestinian Basic Law of 2003 and the 2001 Penal Procedure Law.

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