



FACT SHEET

Palestinian Authorities in Gaza Violate the Rights to Opinion and Expression, Peaceful Assembly and Freedom from Arbitrary Detention

Gaza Strip, Occupied Palestinian Territory

1 March 2018 – 28 February 2019

Introduction

This fact sheet addresses violations by the Palestinian authorities in the Gaza Strip of the rights to freedom of opinion and expression, assembly, and freedom from arbitrary detention. Alarmed by the systematic manner in which these violations are committed, Al Mezan Center for Human Rights (Al Mezan) releases this fact sheet to highlight the circumstances and frequency of this conduct, which amounts to breaches of Palestinian law and international covenants that the State of Palestine has acceded to. Covering the period of 1 March 2018 to 28 February 2019, this fact sheet provides a succinct overview of violations perpetuated chiefly against journalists, activists, and supporters of the local authorities' political opponents.

Al Mezan acknowledges the indivisibility of human rights, such that the rights to freedom of opinion and expression, and peaceful assembly are closely correlated with the right to live free from arbitrary detention and abuse. This fact sheet calls for human rights to be protected and promoted at the highest levels of government in the occupied Palestinian territory (oPt) in order for citizens to be able to access information, engage in meaningful political participation, and hold to account those in positions of power.

Emphasis must be placed on protecting these rights in the current context of a "deficit in democracy" whereby executive and security authorities are increasingly documented abusing their powers, including in the implementation of basic services for the population. Peaceful political action and criticism are crucial means of applying checks and balances to governance.

The factual information presented in this fact sheet shows a disturbing reality of infringement on rights and freedoms, censorship, and punishment for political dissent. This conduct seems to disrupt peace and security, create an atmosphere of fear, and fundamentally, is in violation of local law and human rights.

In four brief sections, the fact sheet presents Al Mezan's documentation and recommendations, as follows:

1. **Arbitrary detention**
2. **Restrictions on the media**
3. **Restrictions on assembly**
4. **Recommendations**

Arbitrary Detention

Arbitrary detention of Palestinians in Gaza by the local authorities is among the most common violations of human rights in Gaza. The practice is perpetuated by the intra-Palestinian political split, whereby persons with an opposing political opinion and/or affiliation to that of the local authorities are arrested or harassed, including in public and while participating in peaceful assemblies. This practice is meant to control and intimidate any opposition to the local authorities. Arbitrary detention is prohibited under Palestinian law as well as international human rights law. Articles 9 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) explicitly prohibit it. Palestinian Basic Law, Article 11, clearly states that “[i]t is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by a judicial order in accordance with the provisions of the law.”¹ Due process is clearly stressed.

During the reporting period, Al Mezan documented 742 cases of summons orders being issued regarding individuals’ participation in peaceful assemblies or exercising free speech. In 588 cases, the summoned persons were detained, with 119 of them detained more than once. Of the total number of cases, 448 persons were detained because of their political affiliation, with 110 of them being detained more than once.



Al Mezan received the following testimony from a political activist who was arbitrarily arrested and was subjected to ill-treatment and torture:²

¹ Palestinian Amended Basic Law (2003), available at <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

² Affidavit given by Hatem Shukri Abu Al-Hussein, Secretary of Fatah in the North Gaza district, on 8 May 2018.

“At 5:40pm on Saturday, 5 May 2018, I was in a friend’s car near Al-Sikka Street in east Jabalia refugee camp with a group of friends when armed men in a small, white van and on motorcycles circled the car. I was ordered to get out of the car, and I was beaten. I was then pushed into the van and beaten again inside it. I was let out of the van near the office of the Internal Security Apparatus near the Ansar [security compound] roundabout in Gaza City. I was then taken to a waiting room where there were 20 small chairs,¹ where other [detainees] had been sat. I was forced to sit on one of these chairs, was blindfolded with a piece of cloth, and spent the night like that while hearing men verbally insult me and other detainees with abusive language. In the morning, I was taken, blindfolded, to another place, where I was interrogated over my activism with Fatah [Movement] before I was taken back to the first room, and had to sit on a small chair all day long. The next day, I was interrogated once again. I was released at 3pm on Monday, 7 May 2018, and once I arrived home, I felt great pain throughout my body, and I went to Al-Quds Hospital in Gaza City to receive medical treatment.”

Notably, this practice also affects independent activists who voice their views, including on social media. This type of action seems to depend on the political atmosphere. When negotiations for political reconciliation are ongoing, the number of arbitrary detention cases goes down significantly. When these talks fail or are not proceeding positively, the number of cases tends to increase. This is a disturbing trend as the rights of citizens must not be dependent on political developments, but instead must be protected as a matter of law and principle.

Restricting Journalists’ Work, Policing Thoughts, and Attacking the Right to Free Opinion and Expression:

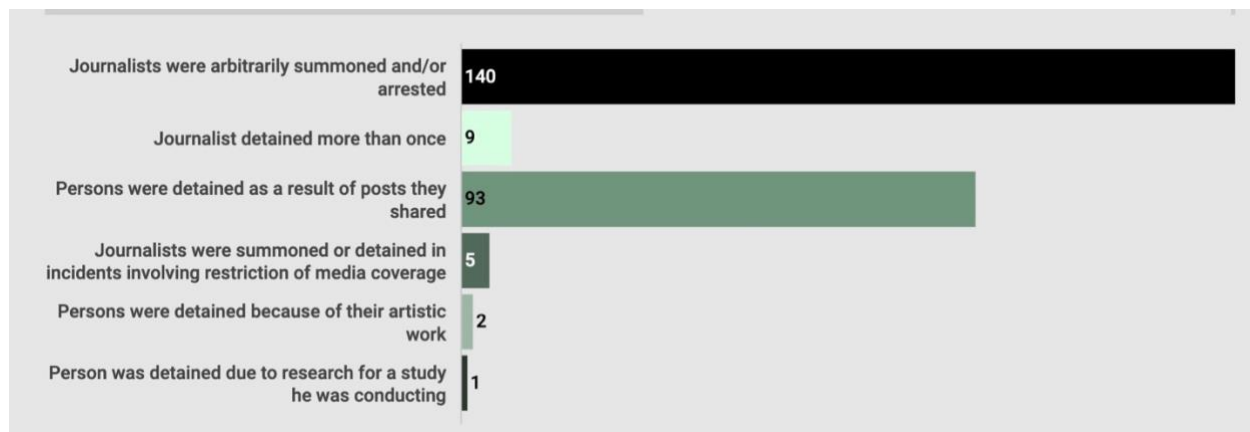
Violations of the right to free opinion and expression have intensified throughout the period of internal division between the Hamas and Fatah political movements.³ Despite their protection under Articles 19 of UDHR, ICCPR, and of the Palestinian Basic Law, as well as Article 2 of the Law on Printed Materials and Publication, these rights have been consistently violated during the reporting period.

Attacks on these rights have resulted in the spread of fear, and a context in which Palestinians’ opinions and freedom to define their political affiliation are suppressed. Journalists’ work to expose violations is also significantly restricted, as individuals attempt to avoid harassment and punishment for their work. During the reporting period, practitioners of printed, audio, and video media as well

³ It is important to note that Hamas is in charge of security in the Gaza Strip, while in the West Bank the Palestinian government, which is dominated by Fatah, is in charge.

as artists, have been subjected to the violation of their rights, including journalists being denied permission to cover events.

Al Mezan’s documentation shows that in at least five cases the work of journalists was hindered. In addition, at least 140 journalists were arbitrarily summoned and/or arrested because they voiced their opinion or for doing their work, including 9 journalists who were detained more than once. Five journalists were summoned or detained in incidents involving the restriction of media coverage. Of those arrested, 93 persons were detained as a result of posts they shared on their social media accounts, while two others were detained because of their artistic work, and one due to research for a study he was conducting.



In the context of restricting the work of journalists from Palestine TV Channel, Al Mezan received the following testimony:⁴

“At about 10 am on Saturday, 15 December 2018, the team of Palestine TV Channel was prevented from continuing work while filming an art episode titled, ‘Doctor of Music’ within the ‘Ana W Al-Nagham’ program. An officer from the Internal Security [apparatus] arrived at the location of the filming and asked that we present our ID cards and work cards, and he asked whether we had filming permits from the Ministry of Interior. He then requested that filming be stopped and that we stay in our place. One hour later, another officer arrived and told us we had to receive permission to film in the street and he said, ‘especially Palestine TV Channel [employees] need this permit.’ He then took the cameras, confiscated the filming materials, and allowed us to go. They later returned our cameras.”

During the reporting period, Palestine TV offices were attacked and damaged in Gaza City. Al Mezan expressed condemnation of the conduct and demanded that the media be protected from such acts.⁵ It is unlawful to demand that the registered media be ordered to obtain permits from the Ministry of Interior to be able to do basic work, such as filming a public program, as in the testimony

⁴ Affidavit given by Mua’mmar Mohammed Abu Tabikh, photojournalist with Palestine TV Channel, on 16 December 2018.

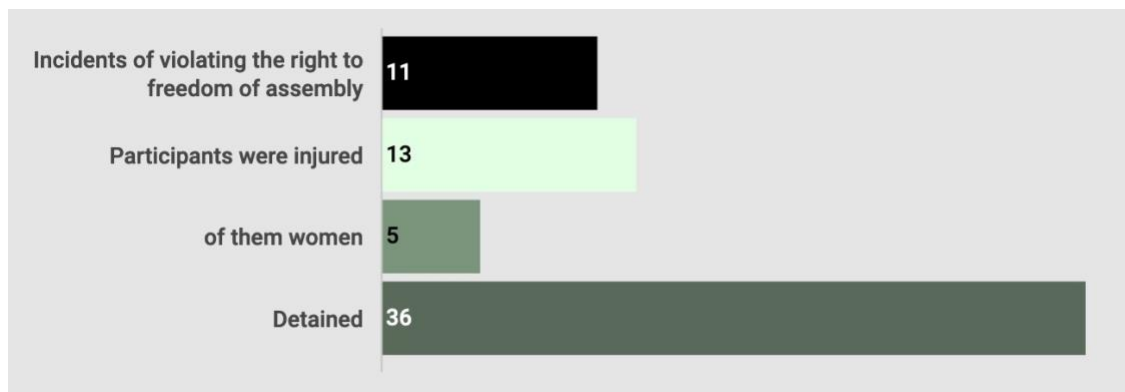
⁵ See Al Mezan’s press release concerning this incident at <http://mezan.org/en/post/23346>.

above. It is also disturbing that a researcher conducting academic research for a university be arrested and asked to obtain a permit to be able to gather data for a study.⁶

Violation of the Right to Freedom of Assembly

During the period covered by this fact sheet, the security authorities in the Gaza Strip enforced strict measures infringing on people’s right to peacefully assemble, a right enshrined in Article 20 of UDHR, Article 21 of ICCPR, in Article 26 of the Palestinian Basic Law and in Articles 2, 3, 4, and 5 of the Palestinian Law No. 12 of 1998 on Public Assemblies.

The documentation conducted by Al Mezan shows that violations of this right occurred extensively, especially in the form of ordering peaceful assembly organizers to obtain prior permission from the Ministry of Interior—a condition that contradicts the provisions of Palestinian law. Public and private assemblies organized by persons who are viewed as holding different or opposing views to those of the authorities in Gaza were prevented from organizing peaceful assemblies, or were dispersed with force when they organized such assemblies. Some participants were also arrested. In this context, Al Mezan documented 11 incidents of violating the right to assembly in Gaza during the reporting period. In these incidents, 13 participants were injured, including five women, and 36 were detained.



Shadi Al-Naqla, the spokesperson of the Committee on the Defense of University Graduates, spoke to Al Mezan about his experience in one of these incidents:⁷

⁶ For more information about this incident, please consult Al Mezan’s press release “General Intelligence Apparatus Arrests Coordinator of Birzeit University Center for Development Studies in Gaza,” available at <http://mezan.org/en/post/23467>.

⁷ Affidavit given by Shadi Ghassan Al-Naqla, the spokesperson of the Committee on Defense of Graduates, on 6 March 2018.

“At 11 am on Sunday, 4 March 2018, the Committee on the Defense of University Graduates organized a sit-in in front of the Al-Mashtal Hotel, where the Palestinian ministers were meeting, to demand the creation of job opportunities for graduates. The Egyptian delegation helping with [internal Palestinian] reconciliation was at the Blue Beach Hotel on the opposite site. The protesters had informed the Ministry of Interior of their plan to sit-in. Minutes after the start of the sit-in; however, the security personnel in front of the Blue Beach Hotel demanded that they leave the place immediately. But then allowed them to continue the sit-in. Protesters asked to meet with the Egyptian delegation to explain their suffering but were not allowed. At 11:45 am on the same day, the protesters engaged in an altercation with security personnel, which prompted a member of the security forces to fire live ammunition into the air. The protesters were told to leave, but they stayed in their place until the coordinators of the Committee were allowed to meet with the Egyptian delegation. At approximately 2 pm, the meeting finished and the Committee ended the sit-in. When [the coordinators] contacted the bus company to drive the protesters back, they were informed that the buses were stopped and kept in the headquarters of the security service in Gaza City. At 3:30pm, five vehicles of male and female security personnel arrived at the location of the sit-in and circled the protesters, asking them to leave in the vans of the security service. The protesters refused. At approximately 4pm, security personnel assaulted the protesters, attacking them with sticks and batons. I was hit in the chest, while the Committee’s head, Iyad Abu Armana, was detained, and released later in the evening of the same day.”

Recommendations:

Al Mezan's documentation shows that violations of the rights to freedom of opinion and expression, assembly and freedom from arbitrary detention continue to be perpetuated in the Gaza Strip, even when clear legal provisions prohibit such conduct. Alarmed by these violations, Al Mezan calls on:

1. The authorities in Gaza to ensure that human rights are protected and promoted and that law enforcement agents respect Palestinian and international law. The rule of law must be observed at all times;
2. The Palestinian Authority in the West Bank to revoke the law on cybercrimes and the authorities in Gaza to refrain from using an amendment to the Penal Code that has a similar effect of enabling the authorities to detain and try individuals who posted dissenting opinions on social media platforms;
3. The authorities in Gaza to respect and promote the rights to freedom of opinion and expression, and assembly and prevent political rivalry under the existing political schism from impacting these rights; and
4. The authorities in Gaza to immediately cease all arbitrary detention and summons practices, and comply with due process when engaging in summoning or the detention of citizens.

This Project is Funded by



EUROPEAN UNION

The contents of this fact sheet are the sole responsibility of Al Mezan and do not necessarily reflect the views of the European Union.