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Confronting Human Rights Abuses in the Palestinian Authority: An Essential Step for Progress in the Region

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Published in 2016 by The Henry Jackson Society

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Title: “Confronting Human Rights Abuses in the Palestinian Authority: An Essential Step for Progress in the Region”
By: Bassem Eid
ISBN 978-1-909035-24-9

£10.00 where sold

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Photo credits

Front cover: http://www.shutterstock.com/pic-146750888/stock-photo-erez-crossing-dec-palestinians-carry-palestinians-flags-on-dec-on-april.html?src=U7D_59B0UESStLprQOAhXg-1-58

Confronting Human Rights Abuses in the Palestinian Authority: An Essential Step for Progress in the Region

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Acknowledgments

Tom Wilson, Research Fellow for The Henry Jackson Society, contributed part of the research for this paper.

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Executive Summary

- The Palestinian Authority suffers from a critical democratic deficit, having failed to hold elections since 2006. President Mahmoud Abbas's term as president expired in January 2009, yet, he has remained in office to this day.
- The Palestinian Authority has been responsible for numerous extrajudicial killings of individuals held in its detention facilities, as well as having a long and troubling record with regards to the issuing of the death penalty. There is an equally serious and widespread phenomenon of torture and extreme physical abuse that has taken place in Palestinian Authority prisons.
- Arbitrary arrest and detention continues to be a serious point of concern in Palestinian Authority areas, with this infringement of rights often used as a weapon against critics and opponents of President Abbas and his ruling Fatah faction.
- Freedom of the press and freedom of expression over social media has been routinely interfered with by the authorities in the Palestinian controlled areas of the West Bank. Journalists and media outlets critical of Abbas have faced systematic harassment.
- The Palestinian Authority has consistently infringed upon the basic civil rights of freedom of assembly and freedom to protest. The police regularly disrupt non-violent demonstrations and have often used excessive force and violence when dispersing protestors, as well as members of the media covering these events.
- President Abbas and other Fatah officials, along with Palestinian media outlets, have engaged in extremist incitement that has caused death and injury to many Israeli civilians, while also encouraging Palestinians to put themselves in harm's way when carrying out attacks and engaging in violent rioting.
- Women living in the Palestinian Authority suffer from widespread discrimination and unequal treatment with little or no assistance from the authorities to mitigate against this. Domestic abuse and honour violence remains a problem in Palestinian society. Similarly, homosexuals face severe ongoing persecution. The authorities have not only failed to act against this, but also stand accused of torturing and murdering homosexuals.
- The Palestinian Authority is the recipient of substantial levels of financial aid from the international community. As Britain seeks to encourage the Palestinian Authority to move towards reforming its human rights record and undemocratic conduct, policy makers should require that further financial assistance be predicated upon the Palestinian leadership taking quantifiable measures to improve civil liberties for the Palestinian population.

Introduction

The condition of Palestinian human rights is one that has been of considerable concern to international observers and policymakers. The protection and safeguarding of the fundamental rights of Palestinians is a matter that not only falls under the realm of international law but also pertains to the basic values of universal human rights and commonly understood codes of ethical practice. Furthermore, the question of Palestinian human rights is fundamentally related to the troubled politics of the region.

In seeking to reconcile the ongoing Israeli-Palestinian dispute and bring about greater stability and security to that locality, it has long been recognised that improving the condition of the Palestinian population represents an integral part of the effort to achieve peaceful coexistence. In addition to general concerns about living standards and basic welfare issues, it is widely understood that ongoing oppression and a fundamental lack of freedom and key rights for Palestinians is creating conditions that will ultimately be far less conducive to resolving the conflict.

In considering the critical issues that are preventing progress in moving towards reconciliation between Israelis and Palestinians, there has often been a failure to fully account for the detrimental role played by the Palestinian Authority (PA) in abusing human rights and civil liberties. The oppressive policies of the PA have undoubtedly contributed to the alienation of large parts of the Palestinian public, and pushed some further towards extremist groups such as Hamas. These abuses by the PA have hardened attitudes against the process of negotiations with Israel, an undertaking with which President Abbas's government is deeply associated. As the PA becomes increasingly tarnished in the eyes of the Palestinian public, so too will the peace process with which the PA has been engaging come to be seen in an ever worse light.

In addition to the damaging effect that PA oppression is having on the attitudes of the Palestinian population, the lack of legitimate and responsible governance on the Palestinian side is likely to undermine Israeli confidence in the negotiation process and discourage further concessions from Israel. The strategic thinking currently prevalent in Israel heavily emphasises the concern that a lawless and unstable Palestinian State could emerge on territory adjacent to Israel's population centres and that this might evolve into an existential security threat. Israel is particularly concerned that a weak, oppressive and undemocratic Palestinian government would be susceptible to being overthrown, with the likelihood that this would then lead to the territory coming under the control of extremist elements such as Hamas. Avoiding such a takeover of the West Bank by Islamist militants, as witnessed in Gaza, has become a key Israeli strategic objective. As such, it is less likely that the Israeli side will be inclined to make far-reaching and substantive concessions to a Palestinian Authority that lacks democratic legitimacy and is engaged in committing abuses against its own people.

The Palestinian National Authority was created in 1994 as part of the Oslo peace agreements with the understanding that it would serve as a provisional governing body and serve in administering the transition to Palestinian political independence. Subsequently, it has come to be anticipated internationally that the peace process transition will in fact not simply be limited to political autonomy but rather will be intended to bring about full Palestinian sovereignty as a recognised independent nation state.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

From the outset, the PA was embroiled in acute mismanagement and extensive corruption, with large amounts of international funding failing to be used for the specified projects, instead being stolen by senior figures in the PA. Similarly, serious human rights abuses soon became routinely practised by the Authority's security forces. The PA also suffered from a profound democratic deficit. With encouragement and extensive financial assistance from the United States, elections for the Palestinian presidency were held in 2005, while elections for the Palestinian Legislative Council were subsequently held in 2006. However, since these dates, no further elections have been held.

President Abbas's four-year term expired in January 2009, and since that time Abbas has countered his lack of legitimacy with increasing levels of political repression. The deteriorating condition of human rights and civil liberties in the West Bank has increasingly caught international attention, and some limited pressure has been placed on the PA to rectify this. As part of the move by the PA to win recognition as an observer member at the United Nations, Abbas signed the International Convention Against Torture in April of 2014. This obliged Abbas to confront the issue of torture within the PA, although so far there is no evidence to suggest that he has sought to address this matter in any meaningful way.

Torture, Extrajudicial Killings and the Death Penalty

The Palestinian Authority has a long and poor record of abusing human rights and flouting international law through the use of torture and the issuing of death penalties without due process, and is also implicated in extrajudicial killings. Accumulatively, these offences represent a systematic and serious abuse of the most basic rights of the population living under the rule of the PA. The use of torture, and on occasion lethal force, by the PA's security forces sits at the most extreme end of the means of repression employed by President Abbas's government as part of a coherent policy to bolster Fatah's hold on power in the absence of a democratic mandate. As such, political opponents and critics of the Palestinian Authority have borne the brunt of these abuses.

Many of the documented incidents of abuse run counter not only to international law, but also to Palestinian law, yet those responsible for perpetrating these offences are often neither investigated nor prosecuted. Nevertheless, Palestinian law itself sits at odds with internationally accepted human rights norms, as is particularly evident with regard to capital punishment.

Article 6 of the International Covenant on Civil and Political Rights stipulates that capital punishment is a course of action to be considered only for the most serious offences. It further states that judicial procedures must be strict and that defendants must have the opportunity to appeal the sentence. Palestinian law, however, mandates the death penalty for a wide range of instances. Since the Palestinian constitution adopts existing aspects of Jordanian law in the West Bank, it details at least 17 offences that would warrant the death penalty. However, the PLO's Revolutionary Penal Code goes significantly further, outlining no less than 42 instances that would receive the death penalty.¹ Indeed, death sentences are issued by military courts, as

¹ 'Death Penalty in the Palestinian Authority and Under Hamas', B'Tselem, 1 January 2011, updated 16 October 2013, available at: http://www.btselem.org/inter_palestinian_violations/death_penalty_in_the_pa, last visited: 27 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

stipulated by the PLO penal code, as opposed to by standard civilian courts as is favoured in the Palestinian constitution.² Furthermore, the military courts do not function to an accepted standard of due process, with a number of offences carrying a mandatory death sentence.³

The President of the Palestinian Authority is required to approve all death sentences and also has the power to suspend any such sentence. Since Abbas's term as president expired in 2009, despite the fact that he has continued to hold office, it has been disputed whether or not he can still legitimately fulfil this function. Nevertheless, since he took office no death sentences have actually been carried out in the West Bank. One additional safeguard was introduced in 2005 when Abbas ruled that any death sentences issued by State Security Courts would have to be followed by a retrial.⁴ In practice, however, there have only been 11 occasions where this procedure has actually been followed.⁵

According to the human rights NGO B'Tselem, between 1995 and 2014, 71 Palestinians were sentenced to death in the PA.⁶ However, in practice the death penalty was not always carried out, and 13 individuals were actually executed.⁷ In some instances those convicted avoided execution by escaping; however, other individuals simply went missing and remain unaccounted for. Still more concerning is that several individuals sentenced to capital punishment never received their sentence on account of having been killed in other circumstances. In all, eight individuals sentenced to death never had their sentences carried out because they died while in detention.⁸

In addition to the instances of those sentenced to death perishing in PA custody prior to execution, there have been a considerable number of deaths at the hands of the PA in the absence of a death sentence, or indeed any valid prosecution. What can be classed as essentially extrajudicial killings have been a serious and long-running issue of great concern, and represent a flagrant abuse of basic human rights law. In the course of 2013, PA security forces killed two individuals while carrying out raids: in May, Khaleda Kawazbeh was shot and killed by police in the village of Se'ir near Hebron, while in August of that year Anjad Odeh was killed during a raid on a refugee camp in Nablus. The PA opened investigations into both of these cases but has so far failed to make public any findings.⁹

In the Palestine Centre for Human Rights' annual report for 2014, 15 West Bank Palestinians were recorded as having been killed in the Palestinian Authority.¹⁰ These deaths came as a result of both the use of extreme force by PA security forces and mistreatment while in detention, as

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ 'Statistics on the death penalty in the Palestinian Authority and under Hamas control in Gaza', B'Tselem, 1 June 2011, updated 19 April 2016, available at: http://www.btslem.org/inter_palestinian_violations/death_penalty_statistics, last visited: 27 April 2016.

⁷ Ibid.

⁸ Ibid.

⁹ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice, March 2015, available at: <http://jiij.org/wp-content/uploads/2013/10/Palestinian-Human-Rights-Violations-in-West-Bank-and-Gaza.pdf>, last visited: 27 April 2016.

¹⁰ 'Annual Report 2014', The Palestinian Centre for Human Rights, 2014, available at: http://www.pchrgaza.org/files/2015/annual_pchr_eng_2014.pdf, last visited: 27 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

well in cases relating to family disputes and instances of domestic violence and honour killings.¹¹ In all, two of these individuals were killed during operations carried out by security services, while one died while being held in detention by the PA.¹² There were also ten instances of individuals who were killed through the use of firearms in family disputes, in addition to examples of domestic honour violence and honour killings perpetrated against women.¹³

The death of Palestinians while being detained in PA prisons is by no means an uncommon occurrence, and this is a concerning phenomenon that has continued over recent years. For 2012, the Independent Commission on Human Rights recorded the deaths of two Palestinian individuals who were being detained in PA prisons.¹⁴ Individuals have perished while in PA custody on account of severe mistreatment and wilful neglect, and also as a result of extreme forms of torture that caused life-threatening injuries. This highlights just how prevalent incidents of torture in PA detention centres continue to be. Indeed, the Independent Commission for Human Rights documented 186 incidents of torture and ill-treatment in detention in West Bank prisons during 2015.¹⁵ While in most of these cases the torture employed may not have resulted in loss of life, these acts represent clear breaches of international human rights law and have resulted in long-term and debilitating injury to victims. In one particularly serious incident carried out in 2013, PA security forces in Hebron arrested Mohamed Abdel Karim Dar and subsequently subjected him to severe forms of torture, leaving him unable to talk.¹⁶

Despite international calls, the PA has consistently failed to investigate complaints made about examples of torture taking place in its prisons and detention centres. In September 2010, two men accused of being linked to Hamas were detained and subjected to extreme degrees of torture by the PA security forces. Human Rights Watch reported that Ahmed Salhab was arrested and detained in Hebron before being transferred to hospital on 16 October in a state of mental distress and having suffered serious damage to his spine.¹⁷ A second man, this time in Jericho, was arrested in the same month by the PA's Preventative Security Service and held in detention, where he was tortured over a ten-day period.¹⁸ It should be further noted that both of these cases involved arbitrary arrests, and the officials failed to show arrest warrants in either case.¹⁹ At the time, Human Rights Watch called on the PA to investigate these two cases and noted that in the first ten months of 2010 alone there had been as many as a hundred allegations of torture in PA prisons.²⁰ Indeed, Human Rights Watch has further stated that no convictions have ever been made of those involved in carrying out torture in PA prisons, therefore allowing those involved in this systematic abuse to act with impunity.²¹

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ 'The Status of Human Rights in Palestine: Eighteenth Annual Report', The Independent Commission for Human Rights, 2013, available at: <http://www.ichr.ps/en/2/6/1041/ICHR-18th-Annual-Report.htm>, last visited: 27 April 2016.

¹⁵ Human Rights Violations Monthly Reports for 2015, The Independent Commission for Human Rights, 2016, available at: <http://www.ichr.ps/en/2/53d=2015>, last visited: 27 April 2016.

¹⁶ 'Alleged Beating by PA Interrogators Costs Palestinian Man His Speech', Al-Monitor, 2 May 2013, available at: <http://www.al-monitor.com/pulse/fr/contents/articles/opinion/2013/05/torture-pa-interrogation-center-mohammed-ghannam.html#>, last visited: 27 April 2016.

¹⁷ 'PA urged to investigate torture allegations', Ma'an News, 23 October 2010, available at: <http://www.maannews.com/Content.aspx?id=326167>, last visited: 27 April 2016.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ 'Palestinian Authority: No Justice for Torture Death in Custody', Human Rights Watch, 16 February 2011, available at: <http://www.hrw.org/news/2011/02/16/palestinian-authority-no-justice-torture-death-custody>, last visited: 27 April 2016.

Abuses of Civil Liberties and Political Rights

In the absence of democratic governance, President Abbas and his dominant Fatah faction have pursued increasingly authoritarian means of repression to maintain their hold on power. This has involved targeting political opponents and those publicly voicing dissenting views that could be seen to be an attempt to undermine the position of the PA. In the period since the expiry of President Abbas's mandate to govern, it has been possible to see indications that the severity of the repression has intensified in an apparent effort to prevent the stirring of any substantial or popular opposition activities. Fatah certainly has reason to fear that they could be ousted in the kind of violent coup that saw Hamas topple Fatah in Gaza in 2007. Indeed, as Freedom House has noted, since the violent split between Fatah and Hamas in 2007, the PA has shut down a number of civil and non-governmental organisations, targeting those critical of Abbas and Fatah as well as those associated with opposition groups such as Hamas.²²

Equally, since the events of the "Arab Spring", Abbas must also fear that his rule could be brought to an end by a popular or violent uprising reminiscent of the one that swept dictatorial rulers such as Hosni Mubarak from power. The extent of PA repression does appear to have become particularly severe during the years of the Arab uprisings elsewhere in the Middle East, and the PA's stifling of many aspects of Palestinian civil society can be understood in light of this. The Independent Commission for Human Rights documented 2014 as being a particularly bad year for human rights in Palestinian areas.²³ Classifying that year as being one of the worst for human rights abuses under the PA, the commission's chief, Ahmad Harb, described how these violations had "increased in volume" over the previous four years.²⁴ In line with this trend, 2015 saw the PA and its security forces committing numerous rights transgressions across a wide range of civil liberties and human rights areas.

Presidential elections for the PA were held in 2005, and elections for the Palestinian Legislative Council were held in 2006. The legal term for Abbas's presidency expired in 2009, and elections for the Palestinian Legislative Council are similarly long overdue. This in itself represents a major infringement of the population's basic rights and freedoms, and over this period Abbas and his Fatah faction have administered the PA by what is effectively a dictatorial rule by fiat. Under these circumstances the PA has committed a multitude of human rights abuses and abuses against civil liberties.

The routine and systematic repression employed by the PA has included the use of arbitrary arrest, detention without charge or trial, preventing the right to public assembly through the forceful disruption of non-violent protest, and the suppression of other basic forms of free expression. There are also serious concerns about the judicial process. The Palestinian judiciary lacks independence, and judges serving in PA courts cannot be said to have been adequately trained.²⁵ For 2015, the Euro-Mediterranean Human Rights Monitor reported recording some

²² 'Israeli-Occupied Territories and Palestinian Authority', Freedom House, 2011, available at: <https://freedomhouse.org/report/freedom-press/2011/israeli-occupied-territories-and-palestinian-authority>, last visited: 27 April 2016.

²³ 'The Status of Human Rights in Palestine: Twentieth Annual Report', The Independent Commission for Human Rights, 2014, available at: <http://www.ichr.ps/en/2/6/1360/ICHR-20th-Annual-Report-ICHR-20th-Annual-Report.htm>, last visited: 27 April 2016.

²⁴ 'Palestinian human rights under PA, Hamas at their "worst," says group', Times of Israel, 13 May 2015, available at: <http://www.timesofisrael.com/palestinian-human-rights-under-pa-hamas-at-their-worst-says-group/>, last visited: 27 April 2016.

²⁵ 'Palestinian Authority-Administered Territories', Freedom House, 2010, available at: <https://freedomhouse.org/report/freedom-world/2010/palestinian-authority-administered-territories>, last visited: 27 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

1,274 arbitrary detentions by the Palestinian security forces.²⁶ Additionally, Palestinians have complained of a widespread failure to adequately uphold other basic rights relating to due process. Moreover, 179 individuals who had been detained complained of not having been shown an arrest warrant; others registered having belongings and property seized or confiscated, and there have been numerous complaints of the authorities continuing to hold individuals even after the issuing of court rulings to acquit a detainee or mandate their release.²⁷

In the wake of the violent political rivalry that erupted between Hamas and Fatah in Gaza following the Palestinian legislative elections, Abbas imposed a range of emergency and precautionary measures that were aimed at cracking down on opposition groups, with Hamas members the primary target of these measures. In contravention of the principles set out in Palestinian basic law, the measures prevented peaceful assemblies from taking place, and even extended this to some private meetings.²⁸ Specifically, in June of 2007, President Abbas used the growing violence between Hamas and Fatah to issue emergency decrees that significantly enhanced the power of the PA to crack down on political opponents. Breaching several of the rights and freedoms established in Palestinian basic law, Abbas's emergency decree allowed the Minister of the Interior to revoke any permits previously issued to groups and organisations and to close down such groups where the authorities deemed this necessary.²⁹ The emergency laws also required all existing organisations to resubmit registration for permits, and they faced being shut down if they failed to do so within a week.³⁰ These emergency laws contravened international human rights law that is intended to protect individuals wishing to freely join groups, associations and non-governmental organisations.

From this point onwards, the Fatah-controlled PA has used its General Intelligence Service, its Preventative Security Service and its Military Intelligence Service to arbitrarily arrest individuals associated with Islamist groups such as Hamas and Hizb-ut Tahrir, several of whom were later subjected to torture and mistreatment while in detention.³¹ Equally, there have been instances of such individuals being held for extensive periods without trial. Although Fatah and Hamas signed the al-Shati agreement in April 2014, officially establishing a Palestinian unity government and supposedly reconciling the two Palestinian factions, political arrests of Hamas supporters continued nevertheless. Those arrested were subjected to such abuses as a lack of fair trial, excessive interrogation techniques, and in some cases torture.³²

The expiration of Abbas's four-year term as president in January 2009 and the PA's subsequent failure to hold elections led to the rights NGO Freedom House further downgrading the Palestinian Authority's freedom status score from 5 to 6. This assessment also took into account

²⁶ 'Arbitrary Detention by Palestinian Security Service "in 2015"', Euro-Mediterranean Human Rights Monitor, 2016, available at: <http://www.euromedmonitor.org/uploads/2016/02/eng%201.jpg>, last visited: 27 April 2016.

²⁷ 'New report documents abusive detentions by both PA and Hamas to stifle freedom of expression', Euro-Mediterranean Human Rights Monitor, 21 February 2016, available at: <http://www.euromedmonitor.org/en/article/1142/New-report-documents-abusive-detentions-by-both-PA-and-Hamas-to-stifle-freedom-of-expression>, last visited: 27 April 2016.

²⁸ 'Annual Report 2014', Palestinian Centre for Human Rights, 2014.

²⁹ 'New Decree Seriously Infringes Freedom of Association', FIDH Worldwide Movement for Human Rights, 26 June 2007, available at: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/israel-occupied-palestinian-territories/palestinian-authority/New-Decree-seriously-infringes>, last visited: 28 April 2016.

³⁰ Ibid.

³¹ 'Annual Report 2014', Palestinian Centre for Human Rights, 2014.

³² Ibid.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

a further authoritarian move by the PA to issue an edict allowing for the removal of elected governors in the West Bank. This and the lack of a functioning democratic legislature represented a further degradation of the human rights predicament in the West Bank.³³ Overall, in its 2010 report, Freedom House judged the PA to be “Not Free”. It gave the area under the control of the PA a freedom rating of 6 out of 7, with 7 being the lowest possible rating.³⁴ In the same report, Palestinian society also received 6 out of 7 for civil liberties, and the same score for political rights.³⁵ All of this indicates that Palestinians living in these areas suffer some of the greatest levels of oppression and lack many of the basic rights and freedoms that are mandated under international law and internationally accepted norms. That same year, in September 2010, Palestinian rights organisations requested that the EU reconsider its supportive relationship with the PA, on account of the PA’s human rights record.³⁶

Throughout 2011 and 2012 the human rights situation in the PA continued to worsen in what may have been a crackdown aimed at ensuring that the dissent associated with the “Arab Spring” did not extend to the West Bank. In 2012, the condition of the human rights situation in the PA deteriorated noticeably. Human Rights Watch observed that between January and October of that year there were 142 complaints of human rights abuses, as opposed to 112 complaints in 2011.³⁷ Most common were instances of arbitrary arrest and the use of torture against detainees, perpetrated by PA security forces and primarily targeting Hamas supporters in the West Bank. Additionally, the Independent Commission for Human Rights documented more than 1,000 arbitrary arrests in the West Bank during 2012.³⁸

While the perceived threat to president Abbas’s rule may not now be as immediate as it was at the height of the “Arab Spring”, Amnesty International noted that arbitrary arrests and detentions continued to take place throughout 2014 and 2015.³⁹ These particularly targeted critics of the PA, as well as supporters of organisations that rival Fatah.⁴⁰ This has extended to wider and more far-reaching restrictions on freedom of expression. Between December 2014 and January 2015, the Palestinian Authority had some 25 students arrested simply for being critical of the PA leadership, or for expressing views favourable to Hamas.⁴¹

The Palestinian Human Rights Monitoring Group notes that there are currently hundreds of administrative detainees in Palestinian Authority prisons, with those held for political reasons often being subjected to torture.⁴² Many of the recent cases of arbitrary arrest have involved the PA cracking down on rivals in Hamas. Nevertheless, these arrests have also been used to target

³³ ‘Palestinian Authority-Administered Territories’, Freedom House, 2010.

³⁴ Ibid.

³⁵ Ibid.

³⁶ ‘Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza’, Jerusalem Institute of Justice.

³⁷ ‘World Report 2013: Israel/Palestine: Events of 2012’, Human Rights Watch, 2013, available at: <https://www.hrw.org/world-report/2013/country-chapters/israel/palestine>, last visited: 27 April 2016.

³⁸ ‘Amnesty International Report 2012: The state of the world’s human rights’, 2012, available at: <https://www.amnestyusa.org/sites/default/files/air12-report-english.pdf>, last visited: 27 April 2016.

³⁹ ‘Palestine (State of) 2015/2016’, Amnesty International, available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>, last visited: 27 April 2016.

⁴⁰ Ibid.

⁴¹ ‘Hamas, Palestinian Authority Step Up Human Rights Violations’, Gatestone Institute, 9 January 2015, available at: <http://www.gatestoneinstitute.org/5019/hamas-palestinian-authority-human-rights>, last visited: 27 April 2016.

⁴² ‘Palestinian Authority-Administered Territories’, Freedom House, 2010.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

Fatah's opponents in wider Palestinian civil society, with journalists, religious figures and academics all being victim to such unlawful arrests.

There are numerous instances of Palestinians having been intimidated, and even prosecuted, simply for having criticised or insulted President Abbas. In January 2016 Professor Abdul Sattar Qassem of An-Najah University in Nablus was arrested and detained for three days on charges of incitement against Abbas after remarks he made during a television interview.⁴³ As a known and outspoken critic of President Abbas, Professor Qassem has been repeatedly arrested and detained by the Palestinian authorities. Indeed, in recent years Qassem has been arrested and detained on at least three occasions for publicly criticising Abbas and other senior Fatah officials.⁴⁴

Very often, offences relating to free expression have simply consisted of authoring a critical posting on social media. For instance, in February 2013, Anas Saad Awad was sentenced to a year in prison for issuing a photograph of president Abbas as a footballer.⁴⁵ Similarly, the Palestinian journalist Mahmoud Hamamreh was given a year's prison sentence for insulting remarks about Abbas on Facebook.⁴⁶ In December of that same year a businessman of Palestinian origin was arrested and detained for nine hours after he called for Abbas to resign from the presidency.⁴⁷ Over the course of 2014, there were at least five recorded cases of Palestinians being arrested for comments made on social media.⁴⁸

In 2015, the International Human Rights Council recorded some 41 instances of individuals being arrested, harassed or intimidated by the authorities for matters relating to freedom of expression.⁴⁹ In the course of that year there were at least eight separate instances of the authorities penalising Palestinians for opinions they had expressed on social media.⁵⁰ In August, a 32-year-old individual had his house raided and property seized by security forces acting without a warrant. He was subsequently detained, reportedly for remarks posted about the PA cabinet on Facebook.⁵¹ In September, a 28-year-old was reportedly detained for nine days, while a 23-year-old was detained for ten days, both allegedly on account of remarks made on social media.⁵² Similarly, in December of 2015 the authorities arrested a 12-year-old for postings made on social media, while a 36-year-old had his house searched and was detained for 16 days on account of comments made on Facebook.⁵³

⁴³ 'Palestinian forces arrest professor accused of calling for Abbas execution', Jerusalem Post, February 2016, available at: <http://www.jpost.com/Middle-East/Palestinian-forces-arrest-professor-accused-of-calling-for-Abbas-execution-443634>, last visited: 27 April 2016.

⁴⁴ Ibid.

⁴⁵ 'Man faces year in jail after Abbas Facebook joke', Ma'an, February 2013, available at: <http://www.maannews.com/Content.aspx?id=563198>, last visited: 27 April 2016.

⁴⁶ 'Palestinian journalist gets jail term for Abbas insult', Reuters, 28 March 2013, available at: <http://www.reuters.com/article/us-palestinians-abbas-facebook-idUSBRE92R0US20130328>, last visited: 28 April 2016.

⁴⁷ 'Palestinian businessman arrested for "insulting" Abbas', Times of Israel, 4 December 2013, available at: <http://www.timesofisrael.com/palestinian-born-businessman-arrested-for-insulting-abbas/>, last visited: 27 April 2016.

⁴⁸ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice.

⁴⁹ Human Rights Violations Monthly Reports for 2015, The Independent Commission on Human Rights, 2016.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

Although a large number of human rights NGOs operate within PA-controlled areas, those that are critical of the Palestinian Authority's human rights record have been prevented from operating freely.⁵⁴ This extensive hampering of the activities of such groups appears to be part of a systematic effort on the part of the PA to frustrate human rights monitoring activities within the PA.

There are significant issues of concern regarding abuses against the right to freedom of assembly in the PA. Under Palestinian law, the authorities must be notified in advance by those who wish to exercise the right to hold a public gathering. Nevertheless, officially, those doing so do not have to be granted permission from the PA to go ahead with the meeting. However, Amnesty International has previously raised concerns about the infringement of Palestinians' basic right to exercise freedom of assembly. According to PA law, Presidential Decree No.3 1998 allows the police to disperse public gatherings if they are judged to have violated a number of stipulations, including if the demonstration is held to have transgressed its initially stated goal, or if the assembly is believed to threaten "national unity" or the PA's standing with other governments.⁵⁵

In August 2010, PA police violently attacked demonstrators protesting the renewal of peace talks between Israel and the PA, during which both observers from human rights groups and journalists were assaulted.⁵⁶ In 2011, demonstrators rallying in solidarity with the Tahrir Square protests in Cairo were set upon by PA security forces, and several of those attending the demonstration were hospitalised.⁵⁷ Between July and August 2013, four incidents were documented in which PA forces used excessive force to attack those engaged in non-violent protests.⁵⁸

In 2012, the European Union security training agency raised concerns about Palestinian police employing excessive force against protestors. Over a two-day period in June 2012, Palestinian police were involved in violently dispersing demonstrators in Ramallah who were voicing their opposition to renewed negotiations with Israel. The Palestinian Centre for Human Rights recorded that the Ramallah police chief al-Bireh Colonel Abdul Latif Qaddoumi and his assistant Mohammed Abu Bakr both used excessive force against those involved in the protests.⁵⁹

On the whole, however, there has been little international pressure on this front, and no sign of reform or improvement. In July 2013, PA police were involved in violent clashes with demonstrators protesting in Ramallah against the return to negotiations with Israel. The prisoners' rights group Addameer complained that the police had been responsible for injuring

⁵⁴ 'Fact-finding mission to Israel and the Occupied Palestinian Territories - Bridges instead of walls - Conditions and challenges experienced by human rights defenders in carrying out their work', International Federation of Human Rights, 22 June 2004, available at: <https://www.fidh.org/IMG/pdf/il395a.pdf>, last visited: 27 April 2016.

⁵⁵ 'Palestinian Authority: "Shut Up We Are The Police": Use of Excessive Force by Palestinian Authority In the Occupied West Bank', 23 September 2013, available at: <https://www.amnesty.org/en/documents/mde21/006/2013/en/>, last visited: 27 April 2016.

⁵⁶ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice.

⁵⁷ 'Palestinian Authority: End Violence Against Egypt Demonstrators', Human Rights Watch, February 2011, available at: <http://www.hrw.org/news/2011/02/03/palestinian-authority-end-violence-against-egypt-demonstrators>, last visited: 27 April 2016.

⁵⁸ 'Palestinian Authority Must End Use of Excessive Force in Policing Protests', Amnesty International Press Release, 23 September 2013, available at: <https://www.amnesty.org/en/press-releases/2013/09/palestinian-authority-must-end-use-excessive-force-policing-protests-2013-0/>, last visited: 27 April 2016.

⁵⁹ 'EU police trainers concerned by Ramallah violence', Ma'an News, 7 July 2012, available at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=501058>, last visited: 27 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

dozens of protestors and claimed that they had subsequently carried out arrests of injured protestors while they were being treated in hospital.⁶⁰ The culture of disrupting the right to free assembly and political protest has only continued in the PA. Over the course of 2015, Palestinian security forces disrupted and prevented the right to non-violent protest and assembly on 14 separate occasions.⁶¹

With regard to all of these abuses, it should be noted that Palestinian law contains no specific or effective provisions for holding the PA security forces to account for violations that they might commit. This has left members of the PA forces able to act freely without fear of repercussion when committing such abuses as violating the right to peaceful assembly, carrying out arbitrary arrests and acts of mistreatment and torture of those in detention.⁶²

Curtailing Freedom of the Press

The PA's suppression of free expression, and particularly of the media, is a core aspect of the authority's repression of dissent in the West Bank. These policies also represent a serious abuse of the human rights of the Palestinian population.

In 2016, of 180 states, the Palestinian Authority was ranked 132 by Reporters without Borders for its poor levels of press freedom.⁶³ Significant restrictions prevent the media reporting in the PA from operating freely. Press laws dating back to 1995 allow for the closing of newspapers and publishers, as well as the fining and imprisonment of reporters and writers if their activities are held to be harmful to Palestinian national unity.⁶⁴ Equally, media groups in the PA are routinely pressured, threatened and manipulated into providing favourable coverage of Abbas and Fatah.⁶⁵

A 2011 Freedom House report on press freedom in the Palestinian Authority painted a particularly damning picture. Freedom House gave an overall status of "Not Free" when assessing the condition of media freedom under the PA, and a freedom score of 83 out of 100, with 100 representing the worst level of press freedom.⁶⁶ Regarding freedom under the existing legal environment maintained by the PA, Freedom House gave a score of 28 out of 30, with 30 representing the worst possible score.⁶⁷ In the same report, freedom in the Palestinian political environment received a score of 33, with 40 being the worst score, and 22 for conditions in the economic environment, with 30 being the worst score.⁶⁸ Similarly, the Palestinian Center for Development and Media Freedoms conducted research that claimed that 80% of Palestinians

⁶⁰ 'Hundreds protest return to negotiations in Ramallah', Ma'an News, 28 July 2013, available at: <http://www.maannews.com/Content.aspx?id=617445>, last visited: 27 April 2016.

⁶¹ Human Rights Violations Monthly Reports for 2015, The Independent Commission on Human Rights, 2016.

⁶² 'Hundreds protest return to negotiations in Ramallah', Ma'an News, 28 July 2013.

⁶³ 'Press Freedom Index 2016', Reporters without borders, 2013, <https://rsf.org/en/ranking#> last visited: 27 April 2016.

⁶⁴ 'Palestinian Authority-Administered Territories', Freedom House, 2010.

⁶⁵ Ibid.

⁶⁶ 'Israeli-Occupied Territories and Palestinian Authority', Freedom House, 2011, available at: <https://freedomhouse.org/report/freedom-press/2011/israeli-occupied-territories-and-palestinian-authority>, last visited: 27 April 2016.

⁶⁷ Ibid.

⁶⁸ Ibid.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

feel compelled to self-censor. Additionally, 68% of Palestinian journalists said that their work has been censored for publication by editors.⁶⁹

Officially, PA law guarantees freedom of the press, with provisions to allow for the free establishment of media outlets as well as to protect the media from censorship. Nevertheless, Palestinian law also permits certain restrictions on the press if it is deemed necessary for protecting “national unity” or if the material is believed to run counter to “Palestinian values”.⁷⁰ Using such laws, the Palestinian Authority Ministry of Information keeps tight control of licences granted to broadcasters in the West Bank. Furthermore, the PA directly funds and controls the official Palestinian Broadcasting Corporation.⁷¹ This provides the authorities with an additional outlet through which to manipulate and shape the public discourse.

As part of the PA’s general suppression of Hamas in the West Bank, PA security forces also intimidate and harass journalists associated with Hamas and media outlets sympathetic to Hamas. This has included the harassment of journalists affiliated with pro-Hamas newspapers such as *Felesteen* and *Al-Resaleh*.⁷² Similarly, the security forces have used such intimidation against journalists linked to the Hamas television station, *Al-Aqsa*.⁷³ The station was outlawed in the West Bank in 2007 and the PA closed down the station’s offices in Ramallah, Jenin and Tulkarm. Additionally, in 2010 a Palestinian court issued an 18-month prison sentence to Tariq Abu Zaid, an *Al-Aqsa* reporter, on the charge of having “undermined the authority of the PA”.⁷⁴ That same year, Amer Abu Arfa of the *Shihab* news agency received a three-month prison sentence on the grounds that he had “resisted the authorities” through reporting that was deemed to be supportive of Hamas.⁷⁵

The Palestinian General Intelligence Service (PGIS) has consistently attempted to pressure journalists into following a line dictated by the PA. In September 2010, the PGIS in Hebron sought to threaten Lama Khater into amending her writings. When this failed, they arrested her husband in an effort to exert further pressure on her.⁷⁶ The following month, the PGIS brought the Qalqilya blogger Walid al-Husayin into detention on account of the religious views he had expressed online, and held him throughout November and December without trial or charge.⁷⁷ Voice of *Al-Aqsa* correspondent, Samir Rushdi Rashid, was arrested and detained by the PGIS in Hebron in both May and December in relation to the nature of his journalistic work.⁷⁸

As the Palestinian journalist Khaled Abu Toameh has argued, human rights abuses committed by the Palestinian Authority are often underreported, in part because journalists are intimidated

⁶⁹ ‘Threat of Violence Silences Palestinian Journalists’, *Al-Monitor*, February 2015, available at: <http://www.al-monitor.com/pulse/originals/2015/01/gaza-west-bank-palestinian-journalist-death-threats-censor.html>, last visited: 27 April 2016.

⁷⁰ ‘Israeli-Occupied Territories and Palestinian Authority’, Freedom House, 2011.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ ‘Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza’, Jerusalem Institute of Justice.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

and subsequently under pressure to avoid being critical of the PA.⁷⁹ In March 2010, journalists attempting to cover demonstrations in Bethlehem were violently attacked by PA police and prevented from reporting on the protests; photographers from Reuters, Ma'an and the Associated Press were all subjected to excessive force by the PA security services.⁸⁰

In March 2012, Palestinian journalist Yusuf al-Shayeb was detained without charge by PA security forces. In what appeared to be retaliation for his highlighting of PA corruption, al-Shayeb was prosecuted under pre-existing Jordanian law prohibiting the slandering of Jordanian officials. In August 2013, PA forces in Ramallah disrupted journalists attempting to cover a rally that the authorities claimed had been organised by Hamas. Reporters were assaulted and had their equipment seized, while one journalist from Al-Quds TV reported that he had been detained and harassed by the security officials.⁸¹ During September 2014, both the head of Birzeit University Media Club, Bara' Al-Qadi, and the Palestinian television producer Mujahed Al-Sa'di were arrested for making comments critical of Fatah and the PA over social media.⁸²

The year 2015 saw a continuation of the trend of journalists being harassed and intimidated by the authorities. The Euro-Mediterranean Human Rights Monitor recorded 35 cases of journalists being arbitrarily arrested in the West Bank in 2015⁸³. For instance, in January of that year, Palestinian journalist al-Amleh was arrested for making critical remarks against Fatah.⁸⁴ According to the International Commission on Human Rights, in 2015 there were 41 cases of Palestinians being arrested or harassed by the authorities on matters relating to freedom of expression, the majority of these cases involved targeted journalists and the media.⁸⁵

Incitement

The Palestinian Authority has not only sought to systematically censor the press, but it has also used state media as a means for promoting Fatah's own propaganda throughout the Palestinian population. The PA has long used its position of power and influence to promote extremist views among the general public. Of particular concern is the way in which PA leaders – as well as PA media outlets – have been used for the purpose of incitement.

The policy of incitement represents a very real abuse of power and, as has been particularly apparent in recent months, has had a detrimental effect on the welfare and security of the civilian population living under the PA. Inciting Palestinians to violence not only causes a severe risk of harm to Israeli civilians but also puts the Palestinian population directly in harm's way. By encouraging unrest, leading figures in the PA have contributed to a deteriorating security

⁷⁹ 'Hamas, Palestinian Authority Step Up Human Rights Violations', Gatestone, 9 January 2015, available at: <http://www.gatestoneinstitute.org/5019/hamas-palestinian-authority-human-rights>, last visited: 28 April 2016.

⁸⁰ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice.

⁸¹ 'Palestinian journalists boycott PA security', Times of Israel, 26 August 2013, available at: <http://www.timesofisrael.com/palestinian-journalists-boycott-pa-security/>, last visited: 28 April 2016.

⁸² 'MADA demands an end to the prosecution of journalists for their writings on Facebook', Palestinian Center for Development and Media Freedoms, 2014, available at: http://www.madacenter.org/report.php?lang=1&id=1500&category_id=6&year=2014, last visited: 28 April 2016.

⁸³ 'Arbitrary Detention by Palestinian Security Service "in 2015"', Euro-Mediterranean Human Rights Monitor, 2016, available at: <http://www.euromedmonitor.org/uploads/2016/02/eng%201.jpg>, last visited: 27 April 2016.

⁸⁴ 'Hamas, Palestinian Authority Step Up Human Rights Violations', Gatestone, 9 January 2015.

⁸⁵ Human Rights Violations Monthly Reports for 2015, The Independent Commission for Human Rights, 2016, available at: <http://www.ichr.ps/en/2/5?d=2015>, last visited: 27 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

situation as well as the kind of dangerous instability that greatly jeopardises the safety and general welfare of the Palestinian population.

Since early September 2015, beginning with clashes at the Al Aqsa mosque in Jerusalem's 'Old City' and what is known as the ancient Jewish holy site, the Temple Mount, the conflict has extended to East Jerusalem, then to the West Bank and all of Israel. The root of the chaos that has enveloped the region has in large part been incitement from the PA, based on the false claim that Israel is threatening to destroy the Al Aqsa Mosque on the Temple Mount. Every single Palestinian faction is inciting their people to violence. As a result, there have been hundreds of reported attacks on Israelis in the last few months, consisting of mostly stabbings, shootings, car rammings, rock attacks and firebombs. Between the outbreak of violence in September 2015 and March 2016, 34 people have been killed in these attacks, and another 411 have been injured.⁸⁶ Of these, some 211 consisted of stabbings and attempted stabbings, 83 involved shootings, and 42 were car ramming attacks.⁸⁷

The PA's role in encouraging this violence has been open and unguarded. At the start of this wave of violence, Palestinian President Mahmoud Abbas said, "The Al-Aqsa [Mosque] is ours... and they have no right to defile it with their filthy feet. [...] We bless every drop of blood that has been spilled for Jerusalem, which is clean and pure blood, blood spilled for Allah, Allah willing."⁸⁸ Since the onset of the violence, we have also seen a Palestinian town in the Ramallah district name a central road between Ramallah and Birzeit after Muhammad al-Halabi, who stabbed two Israelis to death in Jerusalem.⁸⁹

Others, such as Jibril Rajoub, a member of the Central Committee of Fatah, have specifically praised terrorists carrying out these attacks. He stated on 17 October 2015, on official PA TV, "These are individual acts of heroism, and I am proud of them and congratulate all those who carried them out." Of Bahaa Allyan, who murdered two Israelis in Jerusalem, he stated, "His Facebook post is worthy of being taught in schools." Similarly, President Abbas's Advisor Sultan Abu el-Einein glorifies the murderer from the BeerSheba Bus Station attack: "O Muhammad, we love you for giving life for every Palestinian...Muhammad receives the Medal of Honor as a martyr, his name engraved on the chest of every Palestinian."⁹⁰

The Abdel Qader al-Husseini Brigades, a group affiliated with Fatah's al-Aqsa Martyrs' Brigades stated, "With Allah's help and in keeping with our right for resistance and our duty to sacred jihad, our forces on Thursday night carried out a necessary action in which they fired on a car of occupying settlers that left the settlement of Itamar."⁹¹

Social media has become a catalyst for terrorists, their sympathisers and those who incite to

⁸⁶ 'Wave of Terror 2015/16', Israel Ministry of Foreign Affairs, available at: <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Wave-of-terror-October-2015.aspx>, last visited: 28 April 2016.

⁸⁷ Ibid.

⁸⁸ 'Abbas: We won't allow Jews with their "filthy feet" to "defile our Al-Aqsa Mosque"', Palestinian Media Watch, Youtube, available at: <https://www.youtube.com/watch?v=n4Mq63fUwEo>, last visited: 28 April 2016.

⁸⁹ 'PA street named after murderer who stabbed 2 Israeli civilians to death', Palestinian Media Watch, 26 October 2015, available at: http://www.palwatch.org/main.aspx?fi=157&doc_id=16013, last visited: 28 April 2016.

⁹⁰ Facebook page of Sultan Abu el-Einen, 19 October 2015.

⁹¹ 'Fatah armed wing claims responsibility for terror attack', Times of Israel, 2 October 2015, available at: http://www.timesofisrael.com/fatah-armed-wing-claims-responsibility-for-terror-attack/?fb_comment_id=862155777212925_862604447168058, last visited: 28 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

violence. Several hashtags on Twitter have become a haven of propaganda, such as #JerusalemIntifada, #Intifada, #IntifadaAlQuds, #AlQuds, #ThirdIntifada, #SaveAlAqsa, #3rdIntifada and countless more. The official Twitter pages of Fatah and Hamas are rife with terror glorification and the call to arms and knives.

In September, 2015, UN Secretary General Ban Ki Moon told Abbas that he was “worried” over his incitement regarding Al Aqsa.⁹² In October, the Obama administration issued a strong condemnation of PA incitement.⁹³ Subsequently, on 11 November, 2015, the US House of Representatives passed unanimously bi-partisan resolution 293, condemning Palestinian Authority incitement. The resolution specifically supports individuals and organisations working to encourage cooperation between Israelis and Palestinians. It condemns the latest violence in the region and calls on the PA to:

- 1) discontinue incitement to violence in all PA-controlled media outlets and publicly repudiate attacks against Israelis;
- 2) continue security cooperation with Israel;
- 3) renew direct talks with the Israelis, including the reconstitution of the Trilateral Commission on Incitement.

Resolution 293 also encourages responsible nations to condemn the PA’s incitement to violence. The Department of State is set to monitor and publish information on all official PA incitement against Jews and Israel and calls on the Administration to continue to publicly repudiate and raise the issue of Palestinian anti-Israel incitement to violence in all appropriate bilateral and international forums.⁹⁴

Women’s Rights and Gay Rights in the Palestinian Authority

The condition of women’s rights in the PA is particularly poor. Palestinian law discriminates against women on the matter of inheritance, which means that women can be prevented from inheriting as much as their male counterparts.⁹⁵ Palestinian law allows for the marriage of underage girls, which has led to around half of Palestinian women being married before they are 18.⁹⁶ Indeed, the rights NGO Freedom House has noted that Palestinian women are noticeably underrepresented in most professions and face discrimination in the workplace. In addition, Palestinian law puts women at a legal disadvantage when it comes to status for inheritance, marriage and divorce.

Domestic and sexual abuse, and even honour killings, remain a problem facing women in Palestinian society, and this is compounded by the fact that these crimes routinely go

⁹² ‘UN Chief Criticizes Abbas’ anti-Jewish Incitement’, The Tower, 24 September 2015, available at: <http://www.thetower.org/2366-un-chief-criticizes-abbas-anti-jewish-incitement-fears-it-will-stoke-tensions-in-jerusalem/>, last visited: 28 April 2016.

⁹³ ‘US condemns Palestinian terror; UN chief laments Israeli excessive force’, Times of Israel, 13 October 2015, available at: <http://www.timesofisrael.com/us-condemns-palestinian-terror-un-chief-laments-israeli-excessive-force/>, last visited: 28 April 2016.

⁹⁴ ‘House Resolution 293 – 114th Congress (2015-2016)’, 2015, available at: <https://www.congress.gov/bills/114th-congress/house-resolution/293/text>, last visited: 28 April 2016.

⁹⁵ ‘Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza’, Jerusalem Institute of Justice.

⁹⁶ Ibid.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

unpunished.⁹⁷ These killings are carried out privately by individuals, not by the government, but Palestinian law allows those who commit honour killings to evade justice by providing them with quasi-impunity.⁹⁸ Nevertheless, women have at least been represented in the governing body of the PA, including some who have held ministerial positions.

While Palestinian women suffer from a severe degree of domestic and sexual abuse and harassment, those responsible are rarely pursued through the courts; rather, such matters are often simply taken up with tribal and village leaders, or with local governors appointed by the PA itself.⁹⁹ With the authorities failing to address this issue seriously, there are no entirely reliable figures for the number of instances of domestic violence and honour killings in Palestinian society. According to one estimate, between January and November 2014 there were at least 17 recorded instances of honour killings among Palestinians.¹⁰⁰ There has been a systematic failure to prosecute these crimes.¹⁰¹ Meanwhile, Amnesty International has documented 11 cases of Palestinian women falling victim to honour killings in 2014, across both the West Bank and Gaza, with Amnesty accusing the authorities of failing to adequately protect women from gender-based violence, and of failing to prosecute those responsible.¹⁰²

A sense of the scale of the domestic violence problem in the Palestinian Authority can be gained by considering popular attitudes on that subject. A poll conducted by AWRAD in 2008 found that 22% of the Palestinian population supports the right of a husband to hit his wife, if he believes it to be necessary.¹⁰³ With such domestic violence not prohibited by any specific clause in Palestinian law, women often choose not to report threats against them. Furthermore, with no existing laws offering protection to women, courts often side with the accused rather than the victim, meaning offenders often receive impunity or reduced sentences.¹⁰⁴

In cases of violent abuse against women, the Palestinian Authority requires that victims provide reports from their employers to prove that they were unable to work on account of their injuries. As such, the reports must be brought from employers to prove the inability of the victims to work. However, many Palestinian women work at home or as part of a family business and so are effectively restricted from filing a complaint of physical victimisation.¹⁰⁵

On the whole, Palestinian society looks down upon divorced women.¹⁰⁶ As such, divorced women in the Palestinian Authority are often disadvantaged when it comes to such basic matters

⁹⁷ 'Palestinian Authority-Administered Territories', Freedom House, 2010.

⁹⁸ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice .

⁹⁹ 'Palestinian Authority Administered Territories', Freedom House, 2010.

¹⁰⁰ 'Hidden Injustices: A Review of Palestinian Authority and Hamas Human Rights Violations in the West Bank and Gaza', Jerusalem Institute of Justice.

¹⁰¹ Ibid.

¹⁰² 'Annual report: Palestine (State of) 2015/2016', Amnesty International, available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>, last visited: 28 April 2016.

¹⁰³ 'Gender Equality and Women's Rights in the Palestinian territories', Directorate General for Internal Policies of the European Parliament, 2011, available at: <http://www.europarl.europa.eu/document/activities/cont/201110/20111027ATT30536/20111027ATT30536EN.pdf>, last visited: 28 April 2016.

¹⁰⁴ Ibid.

¹⁰⁵ 'National Strategy to Combat Violence Against Women 2011–2019', Ministry of Women's Affairs, p.12, available at: <http://mowa.pna.ps/English%20Part.pdf>, last visited: 28 April 2016.

¹⁰⁶ 'West Bank women look to divorce marital status from IDs', Al-Monitor, 6 July 2015, available at: <http://www.al-monitor.com/pulse/originals/2015/07/palestine-women-marital-status-id-light-remove-cedaw.html#ixzz3scKmuWLW>, last visited: 28 April 2016.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

as finding and renting property.¹⁰⁷ Abu Taima, a gender unit coordinator in the Media Development Center at Birzeit University, reported to Al-Monitor that as a divorced woman she regularly encountered discrimination from landlords when seeking rented accommodation.¹⁰⁸

Divorced women living in the Palestinian Authority have also complained that they are often instructed to show their ID cards when travelling, conducting business or paying bills.¹⁰⁹ As such, divorced Palestinian women have suffered harassment, questioning and interrogation about the reason for their divorce.¹¹⁰

The unequal divorce procedures that impact Palestinian women include permitting a husband to unilaterally divorce his wife without judicial certification simply by performing a practice known as *talaq*, by which a man need only declare “I divorce you” three times. Yet under Jordanian law, a woman can only divorce if she is able to establish harm based on a number of strictly authorised grounds.¹¹¹

Additionally, the Palestinian Authority fails to provide equal citizenship rights for women. For example, only men, not women, can pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of Interior within one year of her marriage.¹¹²

In addition to failing to protect the rights of women in the domestic sphere, PA security forces stand accused of specifically targeting women. Plain-clothed members of the security forces are sometimes used to infiltrate and disband demonstrations hostile to president Abbas, and it has been claimed that these members of the PA police have been responsible for targeting and singling out female protestors and that they “intimidate them in gender-specific ways”.¹¹³

Regarding gay rights in the areas governed by the Palestinian Authority, the situation remains dire. While the PA has never introduced any laws explicitly criminalising homosexuality, there are no legal provisions securing the rights or welfare of homosexual Palestinians. This has left gay people in the PA to face widespread discrimination and violent persecution from several deeply prejudiced elements within Palestinian society. As well as being victim to threats, intimidation and physical assaults by local gangs, Palestinian gay men have been vulnerable to the risk of honour killings perpetrated by their own families in the event that their homosexuality is discovered.¹¹⁴

Not only have the authorities failed to step in to protect these individuals or to prosecute their attackers, but witness accounts also indicate that at an unofficial level the Palestinian security

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ ‘National Strategy to Combat Violence Against Women 2011–2019’, The Ministry of Women’s Affairs, p.12.

¹¹² ‘Palestine: Palestinian Authority and Israeli Occupied Territories’, Suheir Azzouri, 2010, Freedom House, p.5, available at: [https://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20\(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories\).pdf](https://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories).pdf), last visited: 28 April 2016.

¹¹³ Ibid.

¹¹⁴ *The Invisible Men*, Mozer Films, 2012.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

services have been involved in the systematic persecution of homosexuals. In 2013, allegations surfaced which claimed not only that the PA police have been keeping record of the identity of gay Palestinians, but also that the authorities have been using this information to blackmail individuals into working for the security forces as informants.¹¹⁵ Yet there have been far more serious incidents of gay rights abuses by the Palestinian security forces.

Particularly at the time of the Second Intifada (2000–2004), the PA police were accused of targeting gay men on the grounds that these individuals were collaborators with the Israeli forces. Speaking at the time, the LGBT rights group Agudah stated, “The persecution of gays in the Palestinian Authority doesn’t just come from the families or the Islamic groups but from the PA itself. The PA’s usual excuse for persecuting gays is to label them collaborators – though I know of two cases in the last three years where people were tried explicitly for being homosexuals.”¹¹⁶ Indeed, in 2002 Agudah made the claim that the Palestinian police were enforcing Islamic law against homosexuals. More recently, gay Palestinians have continued to report multiple horrific cases of the torture and even murder of homosexuals inflicted by PA forces.¹¹⁷

Conclusion

The Palestinian Authority has long engaged in wide-scale abuse of the basic rights and civil liberties of the population under its jurisdiction. Despite this fact, its leadership has continued to be championed on the world stage as moderates and as the legitimate representatives of the Palestinians at the negotiating table. Regardless of its serious and ongoing democratic deficit, the use of violence and torture, the extensive repression of fundamental rights relating to the freedom of expression, and the prevalence of extremist incitement, the Palestinian Authority has continued to be rewarded by the international community. This has included not only substantial financial assistance from the United States and European Union, but also ever greater levels of recognition by international bodies such as at the United Nations.

Given that the PA’s continual abuses against its own people are contributing to increased levels of alienation and furthering the cause of extremists, there is an imperative for encouraging a change in policy. In the interests of bolstering stability and security and for creating the conditions for a productive peace process, it is of critical importance that the detrimental policies currently being pursued by the PA undergo far-reaching reform.

Better monitoring of human rights abuses committed under the PA, as well as an increased level of international recognition of the effects of the PA’s repressive activities, would represent an important starting point for grappling with this urgent issue. However, it is important that this better understanding engenders the willingness to bring about real pressure on Palestinian political leaders to seek reform. Both the use of diplomatic pressure and the threat to withhold financial assistance should be considered by policymakers as a way to incentivise the PA to engage seriously with addressing human rights issues and complying with its obligations under international law.

¹¹⁵ ‘Gay Palestinians Are Being Blackmailed Into Working As Informants’, Vice, February 2013, available at: http://www.vice.com/en_uk/read/gay-palestinians-are-being-blackmailed-into-working-as-informants, last visited: 28 April 2016.

¹¹⁶ ‘Refugee Status’, Yossi Klein Halevi, The New Republic, August 2002.

¹¹⁷ *The Invisible Men*, Mozer Films, 2012.

CONFRONTING HUMAN RIGHTS ABUSES IN THE PALESTINIAN AUTHORITY

The PA leadership needs to provide a comprehensive plan of action outlining how human rights will be improved for the population under its jurisdiction, how it will address the increasingly troubling democratic deficit at the heart of its government, and how it will definitively end its own incitement-related activities. The consequences of failing to bring about such reforms could see a serious deterioration in the West Bank. Ongoing repression by the PA is likely to further alienate the general population, contributing to the kind of scenario that might drive up further support for Hamas and encourage the kind of unrest that could ultimately bring about the overthrow of the PA.

Securing the conditions that will be most conducive for achieving reconciliation between Israel and the Palestinians will necessarily require the fostering of greater stability. A vital part of this will include ensuring that Palestinians are able to live under a legitimate and democratic government that will abide by international law and respect the fundamental civil rights of the population.



First published in 2016 by
The Henry Jackson Society
Millbank Tower, 21-24 Millbank,
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Charity Registration No. 1140489

www.henryjacksonsociety.org
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ISBN 978-1-909035-24-9

£10.00 where sold

