



The Palestinian Centre for Human Rights

The Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly

1 August 2008 - 31 October 2009



Palestinian Centre for Human Rights

Consultative Status with the ECOSOC of the United Nations
Affiliate of the International Commission of Jurists - Geneva
Member of the International Federation for Human Rights (FIDH) - Paris
Member of the Euro-Mediterranean Human Rights Network – Copenhagen
Member of the International Legal Assistance Consortium (ILAC) - Stockholm
Member of the Arab Organization for Human Rights – Cairo



The Palestinian Centre for Human Rights

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The Palestinian Centre for Human Rights is an independent non-profit legal agency based in Gaza city. The Centre was established in April 1995 by a group of Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards, create and develop democratic institutions and an active civil society in Palestine in accordance with internationally accepted standards and practices and support all efforts aimed at enabling the Palestinian people to exercise their inalienable rights according to international law.

The Centre enjoys Consultative Status with the ECOSOC of the United Nations. It was granted three international prominent awards for its efforts in the field of human rights:

1. The 1996 French Republic Award on Human Rights; and
2. The 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights; and
3. The 2003 International Service Human Rights Award (UNAIS).

The Centre has wide relationships with human rights and civil society organizations throughout the world. It is an affiliate of five international and Arab human rights organizations, which are active in the international arena:

International Commission of Jurists

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organisation in consultative status with the United Nations Economic and Social Council, UNESCO, and the Council of Europe and the OAU. Founded in 1952, its task is to defend the rule of law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. its membership is composed of sixty eminent jurists who are representatives of the different legal systems of the world.

Federation Internationale des Ligues des Droits de l'Homme

The Federation Internationale des Ligues des Droits de l'Homme (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, FIDH has eighty-nine national affiliates in all regions.

Euro-Mediterranean Human Rights Network

The Euro-Mediterranean Human Rights Network (Euro-Med Network) is a network of human rights organisations and individuals from the Middle East, North Africa and the European Union, established in 1997. The overall objective of the Network is to contribute to the protection of the human rights principles embodied in the Barcelona Declaration of 1995.

International Legal Assistance Consortium (ILAC)

The International Legal Assistance Consortium (ILAC) is one of the most important international legal bodies. It is specialized in legal and judicial training. It includes more than 30 members of distinguished legal organizations throughout the world, including American Bar Association; Arab Lawyers Union; and Bar Council of England and Wales.

The Arab Organization for Human Rights

It is an NGO founded in 1983. It calls for respect and promotion of human and people rights and fundamental freedoms in the Arab World for all individuals on its land in accordance with international human rights instruments. The Organization signed an agreement with Egypt in May 2000, according to which its headquarter was moved from Limassol in Cyprus to Cairo.



The Palestinian Centre for Human Rights

The Palestinian Centre for Human Rights is an independent non-profit non-governmental organisation dedicated to the protection and promotion of human rights, the rule of law, and democratic principles in the Occupied Palestinian Territories.

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Introduction 2

Part I: the right to freedom of opinion and expression and the right to peaceful assembly in international human rights instruments 4

1. The Universal Declaration of Human Rights 4

2. The International Covenant on Civil and Political Rights 5

3. Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War 6

4. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information 7

Part II: the Right to Freedom of Opinion and Expression under PNA Rule 8

First: Legal Framework Organizing the Right to Freedom of Opinion and Expression..... 8

2003 Amended Basic Law 8

Law No. 9 of 1995 Concerning Press and Publications 9

Presidential Decree on Establishing National Unity and Preventing Incitement 10

Council of Ministers’ Resolution on the Regulations of Licensing Radios, TVs and Satellite Channels.... 10

Second: Violations of the Right to Freedom of Opinion and Expression 11

Violations of the Right to Freedom of Opinion and Expression in the Gaza Strip..... 11

Violations of the Right to Freedom of Opinion and Expression in the West Bank..... 19

Part III: Right to Peaceful Assembly under PNA Rule..... 33

First: Legal Framework Regulating the Right to Peaceful Assembly 33

The 2003 Amended Law 33

Public Assembly Law No. 12 of 1998..... 33

Public Assembly Law’s Executive Bill..... 34

Second: Violations of the Right to Peaceful Assembly..... 36

Violations of the Right to Peaceful Assembly in the Gaza Strip..... 36

Prevention of the Organization of Private Assemblies not Requiring Notification in Accordance with the Public Assembly Law 41

Public Assemblies that Erupt in Violence..... 42

Violations of the Right to Peaceful Assembly in the West Bank..... 43

Prevention of the Organization of Private Assemblies which do not Require Notification in Accordance with the Public Assembly Law 44

Conclusion and Recommendations..... 46

Annexes 48

Introduction

The Democratic Development Unit (DDU) at the Palestinian Centre for Human Rights (PCHR) tracks civil and political rights as a part of PCHR's overall mission concerning the status of Palestinian civilians' rights in general. To that end, the DDU develops indicators to measure the democratization of the Palestinian National Authority (PNA). DDU believes these indicators are vital in all efforts to determine requirements relating to unification and efforts aimed at building a democratic society. These indicators will assist in creating a future where all civilians enjoy their rights stipulated in international instruments. They will also enable the separation of powers, the rule of law and political participation.

The right to freedom of opinion and expression and the right to peaceful assembly are not only part of the human rights system they also form two basic pillars of democracy. Without these two rights, democracy cannot be achieved. Accordingly, PCHR exerts a lot of effort to protect and to ensure civilians' enjoyment of these two rights. In this regard, PCHR's DDU has issued periodic reports documenting violations of the right to freedom of opinion and expression and the right to peaceful assembly in PNA ruled territories. As part of this work, PCHR presents this report which is the eighth of a series of reports on the right to freedom of opinion and expression and the right to peaceful assembly. It covers the period from 1 August 2008 through 31 October 2009.

The reporting period has been defined by the ongoing political fragmentation between the West Bank and the Gaza Strip, which began following Hamas' military takeover of Gaza in June 2007. Hamas' takeover was the culmination internal fighting between the Palestinian National Liberation Movement (Fatah) and the Islamic Resistance Movement (Hamas). The government that was formed in the West Bank by President Mahmoud 'Abbas and presided over by Dr. Salam Faiad has continued to run the affairs of the West Bank and has full control of the security in that area. The dismissed government in Gaza presided over by Prime Minister Isma'il Haneya has exercised exclusive control in the Gaza Strip.

The security chaos that had prevailed in the oPt during the fighting has retreated and now there is exclusive control by the security services in the Gaza Strip and the West Bank respectively. However, respect for the right to freedom of opinion and expression and the right to peaceful assembly under PNA rule has not improved. In fact, they have fallen victim to the political fragmentation. Further, the right to freedom of opinion and expression and the right to peaceful assembly have been sacrificed due to the Israeli occupation and its grave violations of human rights during the al-Aqsa Intifada,¹ in general, and the last offensive on the Gaza strip in particular².

¹ During the al-Aqsa Intifada, PCHR documented violations committed by the Israeli occupation forces (IOF) against journalists and media personnel operating in the OPT. PCHR published 12 reports titled "Silencing the Press" covering the period from 28 September 2000 through 31 August 2009. These reports address IOF violations of journalists' right to freedom of opinion and expression. To review the 'Silencing the Press' reports, please visit PCHR's website at www.pchrgaza.org.

² From 27 December 2008 through 18 January 2009, IOF launched an open war on the Gaza Strip, codenamed 'Operation Cast Lead'. During this war, IOF committed war crimes against Palestinian civilians. Victims included journalists who were on duty at the time of attack against them. For more information on IOF war on Gaza, please see PCHR's report 'Targeted Civilians'.

This report includes three main parts as follows:

Part I: addresses international standards and instruments that ensure and regulate the right to freedom of opinion and expression and the right to peaceful assembly.

Part II: highlights the status of the right to freedom of opinion and expression in PNA ruled territories. This part attempts to address the legal status of the rights and describes restrictions and measures aimed at enhancing, or restricting, this right. This part also attempts to evaluate the implementation of laws protecting the right to freedom of opinion and expression. It is divided into two main points as follows:

- 1) Legal Status: evaluates Palestinian legal frameworks and regulations that govern the practice of the right to freedom of opinion and expression, and their conformity with international standards and instruments.
- 2) Practice: observes violations and attacks committed against the right to freedom of opinion and expression under PNA rule and that PCHR could document.

Part III: addresses the status of the right to peaceful assembly during the reporting period and covers two points as follows:

- 1) Legal status: evaluates Palestinian legal frameworks and regulations that govern the practice of the right to peaceful assembly, as well as legal problems contained in executive bills and decisions taken by executive authorities in PNA.
- 2) Practical Application: covers violations against the right to peaceful assembly committed by official or unofficial parties, or even by participants in these assemblies.

The report concludes by submitting a set of recommendations that would enhance the enjoyment of the right to freedom of opinion and expression and the right to peaceful assembly. The submitted recommendations are also aimed at building a unified democratic regime in PNA ruled territories.

Part I: the right to freedom of opinion and expression and the right to peaceful assembly in international human rights instruments

The international community, both at regional and international levels, has codified fundamental human rights through the publication of human rights instruments. The right to freedom opinion and expression is one of those fundamental human rights. In its first session, the UN General Assembly adopted Resolution 59 (1-d), dated 14 December 1946, which states:

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

The following is a review of the most significant international human rights instruments that addressed the right to freedom of opinion and the right to peaceful assembly:

1. The Universal Declaration of Human Rights

The Universal Declaration of Human Rights adopted by the UN General Assembly in December 1948 is one of the most important and famous treaties issued by the United Nations. It is important because it is the first declaration on human rights published by a large group of representatives from the entire world. The United Nations Declaration of Human Rights is also important because it is the document on which dozens of covenants and conventions were based.

The Universal Declaration of Human Rights consists of a preamble and thirty Articles which articulate fundamental human rights and freedoms that must be protected and ensured for all without any discrimination throughout the entire world. Article 2 states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration.” It further bans “distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Article 3 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to life, liberty and security of person.” This constitutes the foundation required for the enjoyment of all the other rights, including the right to freedom of opinion and expression and the right to peaceful assembly.

Article 19 of the Declaration addresses the right to freedom of opinion and expression: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” The strong articulation of this right is evidence of its importance. Freedom of opinion and thought is worthless if people are unable to express their thoughts and opinions.

With regard to the right to peaceful assembly, Article 20 (1) of the Universal Declaration of Human Rights stipulates that: “Everyone has the right to freedom of peaceful assembly and association.” As shown from these statements the right to freedom of opinion and expression and the right to peaceful assembly have always been placed among the basic rights seen as fundamental. The ability to fulfill these rights are vital not only for individual fulfillment but also necessary for any democratic state.

2. The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN General Assembly in 1966 and entered into force on 23 March 1976. The ICCPR built off of the rights included in the Universal Declaration of Human Rights and made them legally binding. Article 2 of the Covenant ensured non-discrimination between individuals based on race, colour, sex, language, religion, political or other opinion, or other status.

Article 19 of the ICCPR protects the right to freedom of opinion and expression. Article 19 (1) states that “Everyone shall have the right to hold opinions without interference.” Paragraph 2 of the same Article stipulates “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Paragraph 2 also provides that:

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Therefore, the previous international instruments clearly indicate that the right to freedom of opinion and expression includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders. It also includes the freedom to hold opinions without interference.

With regard to the right to peaceful assembly, Article 21 of the International Covenant on Civil and Political Rights stipulates, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are

necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” The ICCPR states that the right to freedom of opinion and expression can only be limited when necessary to respect others’ rights, protection of national security or to ensure public order. Allowances are made for circumventing the right because protecting individual rights must always be balanced with the protecting society as a whole. However, restrictions on the right to freedom of opinion and expression and the right to peaceful assembly must not be used in a way that infringes on the exercise of these rights unnecessarily. The ICCPR demands States ensure for their citizens the rights recognized in the Covenant. The only exception is when it is necessary to enact measures which infringe the right to protect the democratic society. This may only be done through legal mechanisms.

3. Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War

UNESCO adopted this Declaration on 28 November 1978. Article 2 (1) of the Declaration states “The exercise of freedom of opinion, expression and information, recognized as an integral part of human rights and fundamental freedoms, is a vital factor in the strengthening of peace and international understanding.” Paragraph 2 of Article 2 states that “Access by the public to information should be guaranteed by the diversity of the sources and means of information available to it, thus enabling each individual to check the accuracy of facts and to appraise events objectively. To this end, journalists must have freedom to report and the fullest possible facilities of access to information. Similarly, it is important that the mass media be responsive to concerns of peoples and individuals, thus promoting the participation of the public in the elaboration of information.”

Paragraph 4 of Article 2 states “it is essential that journalists and other agents of the mass media, in their own country or abroad, be assured of protection guaranteeing them the best conditions for the exercise of their profession.”

Article 2 of the Declaration reiterates the importance of the freedom of opinion and expression, which is integrally linked with mass media, and freedom of media. It also ensures protection to journalists the right to exercise their profession.

Article 10 (2) of the Declaration stresses that “It is important that a free flow and wider and more balanced dissemination of information be encouraged...” in order to ensure peoples’ ability to seek and receive information. This is a necessary precursor to the freedom to form opinions based on the information received and then express the formed opinions.

4. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information

On 1 October 1995, the Johannesburg Principles were adopted in Johannesburg, South Africa by a group of experts in international law, national security, and human rights. The Principles articulate that everyone has a right to freedom of expression, including the freedom to research, receive and transmit information and ideas of all forms, regardless of borders. They allowed the imposition of certain restrictions on these rights when it was absolutely necessary for the protection of national security as long as those restrictions were done through recourse to legal mechanisms.

Principle 6 of the Principles sets forth the restrictions imposed on the right to freedom opinion and expression with regard to national security: “expression may be punished as a threat to national security only if a government can demonstrate that: (a) the expression is intended to incite imminent violence; (b) it is likely to incite such violence; and (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.”

Principle 7 states that expression that does not constitute a threat to national security includes the communication regarding alleged violations of international human rights standards or international humanitarian law. In this case, expression shall not be considered a threat to national security or subjected to any restrictions or penalties. However, Principle 12 grants authorities the right to classify information based on national security interests that cannot be accessed by the public. Principle 15 presents the general rule on the disclosure of secret information. According to this Principle, if the disclosure of information does not harm a legitimate national security interest and if the public interest in knowing the information outweighs the harm from disclosure then authorities may not prevent the publication of such information.

Part II: the Right to Freedom of Opinion and Expression under PNA Rule

During the reporting period, there were not any structural changes to the legal framework that governs the right to freedom of opinion and expression in the territory under the rule of PNA. The 2003 Amended Basic Law (the temporary Constitution), Press and Publications Law and the Presidential Decree on Establishing National Unity and Preventing Incitement remain the legal framework for the right to freedom of opinion and expression. While the Basic Law provides special protection for the right to freedom of opinion and expressions other applicable regulations substantially undermine this right and grant wide powers to competent authorities to restrict the right to freedom of opinion and expression. In practice, the reporting period witnessed continued violations and attacks committed by official bodies against journalists, agents of the mass media and opinion writers. Competent authorities failed to open investigations into such violations and to bring perpetrators to justice. Each of the two parties to the ongoing crisis in the OPT (the government in the West Bank and the Government in Gaza) committed excessive violations against the right to freedom of opinion and expression in territories they control in general, and against affiliates of the other party in particular.

First: Legal Framework Organizing the Right to Freedom of Opinion and Expression

The legal framework means all the laws, decrees, decisions and measures made by the Palestinian Authority in order to regulate the right to freedom of opinion and expression in territory under its rule. During the reporting period, no developments or amendments were made to the legal framework that organizes the right to freedom of opinion and expression.

2003 Amended Basic Law³

The Basic Law (PNA temporary Constitution) emphasizes respect to human rights and preservation of public freedoms and rights. The Constitution explicitly ensures the right to freedom of opinion and expression. Article 19 states, "Freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law." It should be noted that the fact that Article 19 of the Basic Law specifically addresses the right to freedom of opinion and expression is an indication of its commitment to international standards, such as Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. In Article 27, the Basic Law address the media stating:

1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. Their financing resources shall be subject to the scrutiny of the law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws.

³ The Amended Basic Law was issued on 18 March 2003. It was amended on 13 August 2005.

3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling.

Law No. 9 of 1995 Concerning Press and Publications

On 25 June 1995, late Palestinian President Yasser ‘Arafat issued Law No. 9 of 1995 Concerning Press and Publications. The law is composed of 51 Articles that regulate all the issues pertaining to press and publications. Civil society organizations criticized the law because it included restrictions that infringed on the freedom of media activities and publications and to individuals’ freedom to receive and circulate information without limitations. Although the law begins by emphasizing the right to freedom of opinion and expression and the freedom of the press it also has restrictions. Article 2 of the law stipulates that: “the Press and Printing Profession shall be free. Freedom of opinion is guaranteed for each Palestinian...” Article 3 stipulates that: “The Press shall freely perform its task in providing news, information and comments....”

However, the Law includes many restrictions. These are three main restrictions. First, the law gives Information Minister the right to deny licenses. These licenses are needed to issue specialized publications, to establish a printing press and a special license is needed for newspapers. This restriction violates the principle of the freedom of opinion and expression, which is guaranteed in the law itself. Second, the law includes a long list of prohibitions that are vague. These prohibitions include refraining from issuing publications that contradict the principles of democracy and national responsibility, publications must not include items that prejudice Palestinian morals, values and traditions and publications must refrain from issuing publications any items that may fuel violence. Publications could also be prohibited if they fueled intolerance and hatred. The prohibitions also include bans on receiving external funds and on relations between journalists and foreign entities except through reporters of foreign media. These provisions are general and unclear. They can easily be misused. Finally, the law includes a long list of sanctions, including imprisonment, fines or other sanctions to be imposed on chief editor, journalist/writer, owner of the publication and owner of the printing press. The result of these prohibitions is self-restraint on some members of the press because of the fear of prosecution.

PCHR notes that the Press and Publications law was issued through Presidential Decree before the creation of the Palestinian Legislative Council (PLC). To remain a valid piece of legislation the PLC needed to reconsider the law, either for republication, amendment or annulment. Since the creation of the PLC, PCHR has been demanding the amendment of the law in a way that ensures respect for the right to freedom of opinion and expression in accordance with the provisions of the Basic Law and the relevant international standards. Until now, PCHR has received no response from Palestinian legislator.

Presidential Decree on Establishing National Unity and Preventing Incitement

On 10 November 1998, the late Palestinian President Yasser ‘Arafat issued Presidential Decree no. 3 of 1998 named Establishing National Unity and Preventing Incitement. The Decree was issued as a part of PNA obligations pursuant to the ‘Wye River’ Memorandum that was entered into between Palestinians and Israel in October 1998. It included, *inter alia*, a mechanism for security cooperation between the Palestinians and the Israelis. At the time, PCHR maintained that the Decree constituted a grave prejudice to the right to freedom of opinion and expression because it imposes restrictions that reduce – to maximum extent possible – the space available to civilians to practice their right to freedom of opinion.⁴

Council of Ministers’ Resolution on the Regulations of Licensing Radios, TVs and Satellite Channels

On 14 September 2004, the Palestinian Council of Ministers issued Resolution no. 182 of 2008 on the Regulations of Licensing Radios, TVs and Satellite Channels. This Resolution formed the legal framework that organizes the licensing of visual and audio media, determines rights enjoyed by media and incorporates another resolution made earlier by former Culture and Information Minister, Yaser ‘Abed Rabbu. That earlier resolution required all media and companies to follow all necessary procedures to get licenses.⁵ The 2004 resolution was made to remedy the lack of regulation covering the licensing and work of radios, TVs and satellite channels in territories under PNA rule. The Resolution imposed new restrictions on the licensing and establishment of the media establishment as follows:

- 1) Tripartite Committee: a committee formed of the Ministry of Interior, the Ministry of Telecommunication and Information Technology and the Ministry of Information. Article 2 of the Resolution stipulates that the Minister of Interior is the competent Ministry that has the power to follow security matters and the legitimacy of the capital of media establishments. This gives the Ministry of Interior the power to intervene in media and information affairs under the pretext of security reasons. Article 12 of the Resolution states that the owner or the director of the media establishment must not be convicted of a felony or of misdemeanors involving moral turpitude or infidelity.
- 2) Commitment to the Press and Publications Law: Article 12 (4) of the Resolution requires the media establishment to be committed to the Law no. 9 of 1995 Concerning Press and Publications, which was previously criticized for involving many restrictions that reduce the space available for the practice of the freedom of the press and individuals’ freedom to receive and circulate information.
- 3) Direct intervention and suspension of broadcasting: the Resolution granted the right to the government, through the Tripartite Committee, to intervene directly and temporarily suspend the broadcasting of a media establishment in accordance with Article 15 (2) of the Resolution⁶.

⁴ For example, see PCHR’s press release issued on 3 December 1998 on its position from the mentioned Presidential Decree.

⁵ For more detail on the status of radios and TVs before the Council of Ministers’ Resolution,

⁶ In the following pages, the report mentions the suspension of the broadcasting of the Peoples Radio in Gaza and the activities of the office of al-Jazira Satellite Channel in the West Bank by the government in Gaza and the government in Ramallah respectively.

- 4) Religious radios and TVs: Article 17 of the resolution gave the exclusive right to the Palestinian Authority to establish religious radios and TVs, in total violation of the principle of the freedom of opinion and expression.

Second: Violations of the Right to Freedom of Opinion and Expression

The political fragmentation of 2006-2007 severely effected the ability of Palestinians to exercise their basic rights and freedoms. Part of this overall trend was that the right to freedom of opinion and expression was also sacrificed. Each of the two parties to the ongoing crisis committed violations and attacks against journalists and other agents of the mass media in territories under its rule in general and against supporters of opposing factions. The following presents a review of the most significant violations as documented by PCHR during the reporting period in the West Bank and the Gaza Strip.

Violations of the Right to Freedom of Opinion and Expression in the Gaza Strip

Preventing the publication and distribution of Palestinian newspapers in the Gaza Strip and the West Bank remained one of the most significant violations of the right to freedom of opinion and expression. The distribution of al-Hayat al-Jadida newspaper continued to be prevented in the Gaza Strip,⁷ while the publication of Falastin and al-Resala newspapers remain prevented in the West Bank. In addition, a ban was imposed on the activities of al-Aqsa Satellite Channel in the West Bank and of Palestine Official TV in the Gaza Strip.

During the reporting period, violations committed by official bodies in the Gaza Strip formed the most significant violations against the right to freedom of opinion and expression. There has been a retreat in violations committed by unofficial bodies, i.e., armed groups. The government in Gaza and its security services committed different violations including detention of journalists and opinion writers, serving summons for journalists and agents of mass media to appear before security services, closing a local radio, beating and maltreating journalists and agents of mass media, serving orders to foreign journalists to leave Gaza and delivery of objections or direct threat to media or civil establishments by official bodies.⁸

- On 2 August 2008, the Ministry of Interior of the government in Gaza closed the People's Radio, which supports the Popular Front for the Liberation of Palestine. It was closed under the pretext that the radio station disseminates lies and evokes seditions. In his testimony to PCHR's fieldworker, the Managing Director of the Radio, Sa'id al-Majdalawi, stated that a force from the Palestinian police

⁷ On 23 August 2008, the Palestinian police in Gaza announced its decision to allow the distribution of al-Quds newspaper in Gaza in response to a request by the governmental Press Information Bureau. On 11 February 2009, the Press Information Bureau announced its decision to allow the distribution of al-Ayam newspaper in Gaza starting from 12 February 2009. However, the Israeli occupation forces prevented the delivery of al-Quds and al-Ayam newspapers to Gaza on the dates when the decision to allow their distribution was allowed in Gaza.

⁸ During the preparation of this report, Sami Ibrahim Fouda, writer from Jabalia refugee camp, was served a summon on 1 November 2009 by the Internal Security Service in northern the Gaza Strip after he wrote an article.

arrived at the offices of the radio on the tenth floor in al-Basha building, west of Gaza city. The police forced staff members to evacuate the offices. On the same day, the Ministry of Interior published a press release on its website stating that the Ministry decided to close the radio until further notice for “its role in disseminating lies and rumors and in evoking sedition.... Infringing national, professional and objective responsibility....” The Ministry of Interior sent a message, in the same press release, to all the mass media. The message included threats. It stated “we reiterate our request to all the mass media means to be committed to objectivity, impartiality, professionalism and national responsibility. Anyone who violates these instructions shall be held accountable.”⁹

- On 11 October 2008, Ibrahim Mohammed Ganna, reporter of Maan News Agency, from Khan Younis in the south of the Gaza Strip, was served a summons to appear before the Internal Security Service in Khan Younis the following day. As Ganna arrived to the office of the Internal Security Service, the security members took his personal possessions. He was then interrogated. They asked personal information, about his work as a journalist in general, his work for Maan News Agency and the nature of the press reports that he prepares for Maan Agency. He was released after four hours.
- On 12 October 2008, the Palestinian police arrested three journalists who work for the Palpress website from their houses in Deir al-Balah city in the middle of the Gaza Strip. The three journalists, Yousef Fayad, Akram al-Louh and Hani Isma'il, were taken to unknown destinations. On 3 December 2008, they were released from al-Saraya Security Compound. The spokesman of the government in Gaza, Taher al-Nunu, stated, in a press conference organized by the government in al-Saraya Security Compound, that the government decided to release the three journalists in response to a promise made by Prime Minister, Isma'il Haneya. The promise was made in response to appeals by press and human rights organizations. The police accused the three journalists of publishing false reports on the condition in the Gaza Strip on a news website that belongs to Fatah movement.
- On 16 October 2008, the Palestinian police arrested Mohammed Abu Sido, a cameraman of Ramattan News Agency, and Mohammed al-Za'anin, a Ramattan soundman, and Mustafa Ibrahim, a fieldworker of the Independent Commission for Human Rights (ICHR). The police transferred them to the al-Jawazat Police Compound in the west of Gaza City. Abu Sido and his assistant, al-Za'anin, were arrested after they covered a workshop in the Palestinian Red Crescent Society (PRCS) near al-Azhar University in the West of Gaza. A group of members of the Students' Islamic Block, the Student arm of Hamas movement, were trying to attack the workshop. Ibrahim was arrested while covering the attack. According to Islam Shahwan, a police spokesman, the three men were taken to al-Jawazat Police Compound. The three were released after Shahwan was certain that none of them had media materials of the incident near al-Azhar University.
- On 20 October 2008, Muthana Suleiman al-Najjar, a reporter of the local al-Quds Radio from Bani Suhaila village in the east of Khan Younis, was served a summons to appear before the Internal Security Service in Gaza City on 22 October. Al-Najjar headed to al-Saraya Security Compound,

⁹ To see the Ministry of Interior's press release, please see Annex I.

which is used by the Internal Security Service. According to his testimony, al-Najjar was blindfolded as he arrived at the offices of the Internal Security Service. He was then taken to the interrogation room. He said that interrogators told him that he was accused of working for Palpress Agency, a pro-Fatah news website. He was interrogated regarding his work for al-Quds Radio and on his sources for receiving information. Al-Najjar pointed out that the interrogators asked him to give them his e-mail and password but he refused. Al-Najjar was released after three hours of interrogation and after he was forced to sign an undertaking stating he would in no way prejudice the security of the government.

- On 29 November 2008, members of the Palestinian police stopped 'Ala'a Salama, a journalist from Rafah and a reporter for al-Quds Radio, as he was returning home after covering the Gaza pilgrims story at Rafah crossing.¹⁰ The policemen forced Salama to enter a jeep, blindfolded him and took him to an unknown destination. On the way, the police beat Salama. Salama informed PCHR that he was questioned about his work as a journalist and his media coverage of the event. He added that he was threatened. He also added that when he asked the police to release him because he was fasting and tired one of the police forced him to eat a piece of bread that was full of sand. Salama said he was released on the same day.
- On 30 November 2008, Amira Hass, an Israeli journalist and reporter of Haaretz newspaper who was staying in Gaza at the time, was served an order from the Ministry of Interior requiring her to leave Gaza immediately without any explanation. Upon interventions made by several parties, Hass managed to postpone her departure to the following day. She left Gaza on 1 December 2008. Hass stated to PCHR the following:

"I arrived in Gaza on Saturday, 8 November 2008. I came on board the Dignity Ship [the third ship that reached Gaza]. The delegation on board the ship included British and Irish parliamentarians. I accompanied them on the majority of the tours and meetings that they organized during the first weeks of their visit. Government officials were aware of my stay in Gaza and about my plan to stay in Gaza until at least January 2009. I was told that I would be provided with protection around the o'clock (for security reasons). This protection significantly restricted my freedom to conduct my duties throughout 20 days. On 30 November, I was surprised by a summons from the Security Deputy Director. I met him in al-Dira restaurant and he ordered me to leave Gaza immediately. Some friends from Hamas tried to intervene in order to change the departure order but it was to no avail. The only thing that they managed to do was delay my departure from Gaza to the following day. I returned to Gaza on 21 January 2009 via Rafah crossing between Gaza and Egypt. My main goal was to document the Israeli offensive on Gaza."

- On 13 December 2008, Safwat al-Kahlout, a reporter of the Italian news agency (ANSA), was maltreated by members of the Palestinian police while trying to cross a checkpoint created by police

¹⁰ For more information on PCHR's position from the crisis of Gaza pilgrims, see PCHR's press release titled "The Two Governments in Gaza & Ramallah Must Work to Ensure Pilgrims' Immediate Travel to Al-Hejaz", published on 30 November 2008, Ref: 109/2008.

to provide security for a Hamas anniversary celebration in al-Katiba square. Al-Kahlout stated to PCHR that:

“... I was stopped by members of the police at a checkpoint established near al-‘Abbas Police Station in the west of Gaza city. I was trying to pass in a car marked with ‘Press’ to al-Katiba square in order to cover a Hamas anniversary celebration. The policemen refused to let me pass although I introduced myself to them and told them about my work and the duty I was going to perform. They gathered around me. While I was talking to them, one of them insulted me and threw a piece of cardboard in my face and ordered me to leave immediately.”

- On 7 February 2009, the Ministry of Interior in Gaza required Wa’el ‘Issam, envoy of al-‘Arabeya News Channel in Gaza, to leave Gaza immediately without giving any reasons. Gunmen of the GIS arrived at al-Dira Hotel, west of Gaza City, where ‘Issam was staying. They ordered him to go with them and to leave the Gaza Strip without any explanation. ‘Issam was sent to Gaza by al-‘Arabeya News Channel to report on crimes committed by the Israeli occupation forces after the end of the Israeli offensive on Gaza. He stated to the website of the al-‘Arabeya News Channel that:

“It was around 16:00 when two gunmen in police uniforms arrived to al-Dira Hotel where I was staying. They introduced themselves saying they were members of the Security and Protection Service of the Ministry of Interior in Gaza. A third person, who is the chief of hotel security services in Gaza, was with them. They told me to bring my passport and personal possessions immediately, and to go with them to Rafah crossing to leave Gaza. They did not give any reasons for the order. One of the gunmen who ordered me to leave Gaza is captain in the General Investigation Service. He arrived to the office of al-‘Arabeya in Gaza four days before coming to al-Dira Hotel. He was in civilian clothes and threatened me saying ‘you must leave Gaza in two days.’ I replied, ‘ I am a Palestinian and will leave Gaza only on a stretcher.’ On the day he arrived to al-Diar hotel, he ordered me to bring my passport and personal possessions. When I refused to leave, he showed me a card showing that he is a captain in the General Investigation Service. The other gunman told me ‘Khaled Masha’al does not want you in Gaza.’ I am not sure if he was mocking or if he was sincere.”

- On 7 March 2009, unknown persons placed a blasting charge near the main door of al-Jazeera Satellite Channel on the eleventh floor in al-Jala’a building in the center of Gaza City. Wissam Hammad, a producer for al-Jazeera, received a phone call from an unknown person who told him that a blasting charge had been placed near the main door of al-Jazeera office and that he would explode it. As the staff members left the office, they found a blasting charge near the main door. They also found a letter near the charge saying “to those who have weak information consciousness, if you think about the solution, it is known, leave soon.” The letter was signed by “Ghosts of Samih al-Madhoun.¹¹ Wa’el al-Dahdouh, a reporter of al-Jazeera, told PCHR that they told the police who arrived to the scene and defused the charge and opened an investigation.

¹¹ Samih Ibrahim al-Madhoun was an officer of the Presidential Security Service (the 17 Force) and a leader of al-Aqsa Martyrs Brigades, the military wing of Fatah movement. He was killed on 14 June 2007 by members of the ‘Izz Addin al-Qassam Brigades, the military wing of Hamas movement.

- On 18 March 2008, Sakher Madhat Abu al-‘Awn, a reporter of the France Agence Press (AFP) and Secretary of the Palestinian Journalists’ Union, received a phone call from an officer on the Internal Security Service of the Ministry of Interior in Gaza. The officer told Abu al-‘Awn to appear before the Internal Security Service in Abu Khadra governmental compound on the following day. On 19 March, Abu al-‘Awn headed to the office of the Internal Security Service where he was questioned about the nature of his work as a journalist. Interrogators accused him of insulting the Hamas movement. He denied the accusation. He also was questioned about the nature of his work in the Palestinian Journalists’ Union and his relation with the International Federation of Journalists and the Federation of Arab Journalists. They took his e-mail address and password. Before he was released, Abu al-‘Awn was ordered to appear before the Internal Security Service on 21 March. He responded to the order and appeared before the Service and his passport was confiscated. At the beginning of August 2009, the Governmental Press Information Bureau announced, in a press release, that the passport of Abu al-‘Awn was returned after intervention from the Minister of Interior and the Director of the Internal Security Service.

Abu al-‘Awn told PCHR the following:

“At approximately 23:00 on 18 March, I got a phone call from someone who said he was a member of the Internal Security Service. He told me to appear before the Internal Security Service on the following day. At approximately 10:00 on the following day, I headed to the office of the Internal Security Service and I waited for approximately 30 minutes. Then I was interrogated. Three interrogators questioned me about personal and familial information. Then they accused me of insulting the Hamas movement, especially at a conference in Dubai in the United Arab States. I denied the accusation and later gave them the text of the speech that I delivered at the conference. They also interrogated me about the nature of my work in the Palestinian Journalists’ Union, about my relation with the International Federation of Journalists and the Federation of Arab Journalists and also about the aid that was delivered to journalists after the Israeli offensive on Gaza. The interrogators confiscated my mobile and searched it. They got my e-mail and password. At approximately 00:30, they released me and ordered me to appear before the Service on 21 March and to bring my passport. In the morning of 21 March, I headed to the office of the Service. There, they confiscated my passport and released me.”

- On 10 June 2009, Mohammed Zuhdi al-Mashharawi, a reporter for al-Quds Channel in Gaza City, was attacked by security members while covering the visit of an international delegation headed by Hissa Al Thani, UN Special Rapporteur on disability, to al-Shifa Hospital. Al-Mashharawi stated that he was covering the visit of the International delegation to the Hospital when the administration of the Hospital told him that one TV channel had been given an exclusive right to cover the visit. He was debating with the administration on the matter when members of the police who maintain security in the Hospital intervened. The policemen told him that he was not allowed to film. Then he began arguing with them and the policemen told them that filming the visit was none of his business. Then the policemen beat al-Mashharawi and held him for an hour in the room of the security members in the Hospital.

- On 28 June 2009, a number of activists from the Islamic Liberation Party were beaten by members of the police in different areas of the Gaza Strip on the grounds that they were distributing a press release issued by the Islamic Liberation entitled “The Authority of Hamas typically follows the Authority of Fatah.” According to an investigation conducted by PCHR, members of the police chased activists from the Islamic Liberation Party in different areas of the Gaza Strip. The activists were distributing a press release issued by the Party to people in public locations. The press release criticized statements made by the Head of the Hamas Political Bureau, Khaled Mashaal, on 25 June 2009 and Hamas’ acceptance of the establishment of a Palestinian State on the 1967 borders. The police arrested the activists. A member of the Islamic Liberation Party’s Information Office stated to a PCHR fieldworker that the security services arrested around 40 activists across the Gaza Strip because of the distribution of the press release. Some of the released members stated to PCHR that they were beaten and maltreated during investigations.

In his testimony, one of the released activists stated the following:

“At approximately 20:30 on Sunday, 28 June, two members of the police arrested me after I distributed a press release issued by the Islamic Liberation Party. They put me in a police jeep. Inside the jeep, there were another four people who had been arrested. The police beat us using clubs until we arrived at the police station. I was placed under interrogation. After being interrogated, I was beaten on the soles of my feet by two members of the police. I was then transferred to another police station and interrogated about the press release and then I was released.”

Another released activist told PCHR that two members of the General Investigation Service in civilian clothes arrested him near the Open al-Quds University in the morning on Sunday, 28 June. He added that they called the police and a police jeep arrived to the scene. He stated that as he was led to the jeep. They used his own shirt to cover his face. They then beat and insulted him. He also added the following:

“They led me into an apartment in Gaza City and put a cover on my head. They searched me and took my personal possessions, including my mobile, money and watch. Then they beat me on my feet and on my back. They insulted me and said obscene things. They tied my hands behind my back and put a plastic bag on my face. It made it hard to breathe. They beat me on my legs with a club. The club was broken from the severity of beating. They continued beating me using their legs. I fell to the ground and one of them, who was huge, came and set down on my back. They transferred me to an unknown destination where they also beat me severely. They then placed me in an underground room till 00:00....”

- On 8 July 2009, a female freelance journalist¹² working for a number of press institutions and civil society organizations was summoned to appear immediately before the Internal Security Service in Abu Khadra governmental compound in Gaza city. The journalist headed to the office of the Internal Security service where she was placed under interrogation by three interrogators. They accused her

¹² PCHR maintains the name of the journalist upon her request.

of sending information and reports to Ramallah. This was a reference to Fatah movement. While the journalist was held in the office of the Internal Security Service, a force from the Service drove to her house. They searched the house and confiscated two computers, two laptops and her camera. The journalist was released and ordered to come back to the Service on the following day. When the journalist returned to the Service, she was held for interrogation again. They took her e-mail and password and browsed the e-mail. Then she was released.

- On 8 August 2009, Naser Ahmed Shabat from Beit Hanoun in the north of the Gaza Strip was summoned to appear before the police. Shabat headed to the police station in Beit Hanoun where he was interrogated about a position paper that he prepared and delivered on 6 August 2009 in a seminar held at the Palestinian Red Crescent Society in Gaza City. The presentation was for the Palestinian Democratic Gathering for lawyers in cooperation with the Palestinian Non-governmental Organizations Network (PNGO). The position paper was entitled: “the consequences of the decision to force female lawyers to put on the headscarf.” Interrogators asked Shabat to sign an undertaking preventing his participation in seminars or workshops on imposing the headscarf on female lawyers. Shabat refused to sign the undertaking. One of the officers threatened to arrest him and present him to the general prosecution on charges of incitement against the government if he participated in seminars on that topic.
- On 11 August 2009, the Ministry of Interior in Gaza published a press release in which the Ministry stated they considered the Independent Commission for Human Rights (ICHR) to be biased. The Ministry accused ICHR of applying double standards when addressing issues in the Gaza Strip and the West Bank.¹³ The Ministry also considered ICHR positions to be based on security and political motivations not legal ones. The Ministry of Interior’s press release was issued in response to a statement by ICHR in a workshop held in the head offices of ICHR in Gaza on 11 August 2009. The workshop called upon the Ministry of Interior to allow ICHR to visit detainees held by the Interior Security Service and to announce the locations of detention. Also in the same workshop, ICHR called for immediate release of political detainees and for compensation and rehabilitation for torture victims. In response to the ICHR statement, the Ministry of Information in Gaza issued a press release on Wednesday, 12 August, wherein the Ministry denied the “accusation” made by ICHR. They demanded that ICHR renounce its “accusations” and demanded that the Ministry of Interior look into the matter and take legal actions against ICHR. It was stated in the press release that the Ministry was studying a possible ban on ICHR because “ICHR proved in more than one position that it is not independent and does not operate impartially in many conditions.” The Ministry called upon ICHR to “return to in order human rights work ...” and warned ICHR and other organizations of “losing the legal track in addressing the Palestinian reality”. This is an implicit threat to all the human rights organizations¹⁴.
- On 12 August 2009, two security guards of Ansar military site stopped the members of the staff of al-Etejah Satellite Channel while reporting on the main street that leads to Ansar site. The security

¹³ To see the press release of the Ministry of Interior, please see Annex II.

¹⁴ To see the press release of the Ministry of Information, please see Annex III.

guards led the staff members, including Mazen al-Balbisi, a reporter, Jifara al-Safadi, a cameraman, and Abdul Rahman Zaqqout, a cameraman assistant, inside the site. Once inside an officer confiscated the video footage and destroyed it. Mazen al-Balbisi stated to the PCHR fieldworker the following:

“... While I was preparing a press report on political detention with other members of the staff of al-Etejah Satellite Channel near Ansar roundabout, two security members came and led us into the Ansar military site. They confiscated the videotape and gave it to an officer who threw it to the grounds and destroyed it with his feet. The officer then left. After the tape was destroyed, the two security members told us ‘now you can go’.”

- On 14 August 2009, the Ministry of Interior prevented journalists and all the mass media from covering incidents that took place in Rafah in the south of the Gaza Strip between members of the security services and gunmen belonging to the Izz Addin al-Qassam Brigades and gunmen belonging to Jund Ansar Allah group led by Sheikh Abdul Latif Mousa. On 18 August 2009, the Ministry of Information in Gaza issued a press release claiming that preventing the media from covering the incidents in Rafah was aimed at protecting the lives of journalists and the feelings of the people.¹⁵ Following statements by Sheikh Abdul Latif Mousa of his intention to establish an Islamic Emirate in the Gaza Strip armed clashes erupted near Ibn Taymiya Mosque in Rafah. These armed clashes resulted in the death of 28 persons, including Sheikh Abdul Latif Mousa. Dozens of people were injured.
- On 31 August 2009, three members of the Internal Security Service stopped Ibrahim Mohammed Qannaana, a reporter of Maan News Agency, and Ahmed Ghabayen, a cameraman of Maan agency, while preparing a report on UNRWA projects that are suspended as a result of the imposed closure. The members of the Internal Security Service led them into their vehicle and drove to the offices of the Internal Security Service. While the two men were still in their vehicle in the yards of the Internal Security Service, an officer arrived and checked their journalist cards and questioned them about the nature of their work and about their relation with Palestine TV.¹⁶ The two men explained the nature of their work and they denied any relation with Palestine TV. After an hour they were released.
- On 10 October 2009, Ayman Mohammed al-Sheikh Salama, a reporter for al-Quds Satellite Channel, was severely beaten by a member of the police while he was in al-Amal neighborhood in the west of Khan Younis in the southern Gaza Strip. He was collecting information on a campaign organized by the municipality of Khan Younis in cooperation with the police to remove infringements. Salama was transferred to Naser Hospital for treatment. He sustained bruises and swelling on the left side of his body. Salama stated to the PCHR fieldworker that:

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¹⁵ To see the press release of the Ministry of Information, please see Annex IV.

¹⁶ Palestine TV and its staff members are officially prevented to work in the Gaza Strip. on 4 March 2008, Samir Khalifa, a reporter of Palestine TV, stated that he receive a phone call from Ihab al-Ghusein, the Ministry of Interior’s spokesman, who told him that he was totally prevented from working for Palestine TV. He stated that this decision was official and that it is also applicable to his colleague, ‘Adel al-Za’anoun.

“While I was debating with a member of the police who was trying to prevent me from accessing the infringements removal area, he pointed his gun to my face and ordered me not to approach. At that point another policeman attacked me and started beating me with a club. I began crying and saying that I was a journalist but he continued beating me. This was after I introduced myself to him and told him about the nature of my work. I fell to the ground and other members of the police came and took the one who was beating me. A number of locals came and transferred me to hospital for treatment.”

Violations of the Right to Freedom of Opinion and Expression in the West Bank

During the reporting period, there were many attacks committed by official bodies on journalists, agents of mass media and opinion writers. However, there has also been a retreat in attacks committed by unofficial bodies (armed groups). Attacks on the right of freedom of opinion and expression committed during the reporting period in the West Bank include detention, sending summons to appear before security services, putting journalists on trial, beating and maltreating journalists, or preventing the coverage of certain incidents.

- On 2 August 2008, members of the security services severely beat Sami al-Sa’i, a reporter of Maan News Agency, and Mo’ayad al-Ashqar, a cameraman of Maan, while they were covering attacks by the security services on participants in a peaceful demonstration in Tulkarm, in the northern West Bank. Al-Sa’i and al-Ashqar sustained wounds as a result of the beating. The security members also confiscated the filming equipment of a-Sa’i and al-Ashqar. The Islamic Liberation Party organized the demonstration. Prior to the demonstration they went through official bodies to ensure that the demonstration had been organized in accordance with the law.¹⁷
- On 13 August 2008, Mustafa Sabri, a freelance journalist, was transferred from the General Intelligence Service’s prison in Qalqilia to the prison of the military police. He was then referred to the Chief Military Prosecutor who made a decision to detain Sabri. Sabri was arrested at his house in Qalqilia by members of the General Intelligence Service on 31 July 2008. Later, his lawyers, Mohammed Shdid and Sa’eda al-Safarini, delivered a letter to the Chief Military Prosecutor demanding a copy of the Chief Military Prosecutor’s detention decision. The request was denied on the basis that the investigation was ongoing. On 10 September 2008, the High Court of Justice held a session headed by Judge Issa Abu Sharar in participation with Judge Hisham al-Hatu and Judge Rafiq Zuhod. In case number 229/2008, the Court made a decision for the immediate release of the petitioner, Mustafa Ali Sabri.¹⁸ In a step intended to circumvent the Court’s decision, the General Intelligence Service released Sabri, but rearrested him on Thursday, 11 September 2008. Sabri’s wife stated to PCHR that the Palestinian military police gave Sabri his private belongings and released him. She added that before her husband could exit the courtyard of the headquarters of the military police a civilian Subaru car stopped him. She stated that several persons, who seemed to be from the

¹⁷ For more detail about PCHR’s position, please see PCHR’s press release entitled “PCHR Condemns the Dispersion of a Peaceful Assembly of the Hizb Ut Tahrir by Security Services in Tulkarm,” published on 4 August 2008, Ref: 70/2008.

¹⁸ For more details, see PCHR’s press release entitled “General Intelligence Service is not above Law,” published on 14 September 2008, Ref: 81/2008.

General Intelligence Service, stepped out of the car, arrested him and returned him to prison. Sabri's wife also stated that Sabri's family visited the General Intelligence Service several times to inquire about their son. At the beginning, the General Intelligence Service denied they were detaining Sabri. After repeated visits by Sabri's family expressing their fears for their son, the General Intelligence Service admitted they were detaining him. It should be noted that Sabri was arrested several times. The last time was on 31 July 2008 when the General Intelligence Service in Qalqilia arrested him.

- On 18 September 2008, the General Intelligence Service in Tulkarem arrested Yazid Khader, head of Manbar al-Islah newspaper. Khader was detained for 80 days without any charges being filed against him. He stated to PCHR that:

“... Between mid-July 2008 and the date of my detention on 18 September 2009 I appeared every Thursday before officers from the General Intelligence Service in accordance with a summons that was delivered to me. Sometimes, I met with officers from the General Intelligence Service and was interrogated. Other times I waited and waited until eventually I would be ordered to go home and come back next week. Officers from the General Intelligence Service issued an order to release me on 6 December 2009 after I spent 80 days in detention without filing any charges against me.”

- On 21 September 2008, the Palestinian security services arrested Osaid ‘Amarna, a cameraman for al-Aqsa Satellite Channel, in Bethlehem. ‘Amarna was released after he was interrogated about the nature of his work.
- On 16 October 2008, the Protective Security Service in Hebron arrested ‘Ala’a al-Titi, a journalist from al-‘Arroub refugee camp north of Hebron after he was summoned to appear before the Service. On 21 October 2008, the Magistrate’s Court in Hebron convened to consider the case of al-Titi and issued an order to extend his detention for 15 days. The Court charged al-Titi with “Sowing discord and fueling Palestinian fragmentation” and “Working for a prohibited illegal satellite channel.” The illegal satellite channel was the al-Aqsa Satellite Channel of the Hamas movement. On 3 November 2008, the Court issued an order to release al-Titi on bail under the condition that he appear before the Court on 4 May 2009. The Magistrate’s Court convened on 4 May, 23 May and on 3 August 2009. Al-Titi’s court date was delayed because of a request by the General Prosecutor to have more time to bring witnesses and to submit a governmental decision ordering the prevention of the work of al-Aqsa Satellite Channel. Another session was scheduled for 19 November 2009 but al-Titi did not appear before the court because the Military Intelligence Service had detained him on 3 November 2009.
- On 23 October 2008, Mohammed Eshteiwi, director of the office of al-Aqsa Satellite Channel, was delivered a summons to appear at the headquarters of the Protective Security Service in Tulkarem, in the northern area of the West Bank. Upon arriving at the headquarters of the Service he was arrested and interrogated about his work for al-Aqsa Satellite Channel and about his relationship with the Hamas movement. Eshteiwi remained in detention for two days and then he was released on 25 October.

- On 26 November 2008, the General Intelligence Service arrested Na'el Nakhla, a reporter for the Saudi al-Jazira newspaper and the UAE al-Bayan newspaper. According to statements made by Nakhla to the PCHR fieldworker, Nakhla was forced into the Shabah position with his eyes blindfolded all night and he was placed under interrogation three times per day for three days. The interrogation focused on his work as a journalist and on information published earlier on the web but he denied any relation to this information. Nakhla was released on 29 November 2008.¹⁹
- On 27 November 2008, the Preventive Security Service in Bethlehem arrested Osaid 'Amarna, a reporter for the al-Aqsa Satellite Channel. The leadership of the Service allowed 'Amarna to visit his family on the first day of Eid al-Adha on 8 December 2008 upon posting a bail of 1,000 Jordanian dinars. He was later re-arrested. On 15 December, 'Amarna was released. During this detention period, 'Amarna was interrogated about the nature of his work as a journalist and about his affiliations.
- On 29 November 2008, Ramattan News Agency suspended its work in the Occupied Palestinian Territory to protest the harassment of its offices in the West Bank by the Palestinian Authority.²⁰ On the same day, Ramattan issued a press release that reported several violations against the Agency. These violations included: preventing Ramattan crews from entering the al-Muqata'a headquarters in Ramallah – the office of the Palestinian President Mahmoud 'Abbas, raiding Ramattan offices and arresting a number of its staff by the security services, confiscating a mobile broadcast vehicle of the Agency, and the Ministry of Telecommunication request to Ramattan to obtain a good conduct certificate from the Ministry of Interior in Ramallah.
- On 30 November 2008, the Preventive Security Service in Toulkarem arrested Mohammed Eshteiwi, director of the office of al-Aqsa Satellite Channel of the Hamas movement. Eshteiwi headed to the headquarters of the Preventive Security Service in Bitonia in Ramallah after he was delivered a summons. He was detained for three days and interrogated about the nature of his work for al-Aqsa Channel. Eshteiwi was forced into the Shabah position for prolonged periods.
- On 2 December 2008, members of the Palestinian security services in Toulkerm attacked Sami al-Sa'i, a reporter for Maan News Agency, and Moayad al-Ashqar, a Maan cameraman. Al-Sa'i and al-Ashqar were covering a vigil by lawyers in front of the Magistrate's Court. Members of the security services prevented al-Sa'i and al-Ashqar from covering the vigil. They confiscated their camera and forced them to leave the area.
- On 26 December 2008, unknown gunmen fired at the office of al-Hayat al-Jadida newspaper in al-Bireh city in Ramallah. The Palestinian police opened an investigation into this attack but nothing resulted from the investigation.

¹⁹ For more detail about PCHR's position, see PCHR's press released entitled "PCHR Condemns Attacking Journalists and Media Institutions in the West Bank and Gaza Strip", published on 30 November 2008, Ref: 108/2008.

²⁰ Ibid.

- On 30 December 2008, Dr. Abdul Sattar Qasem (Khaliliya), 61, from Nablus who is a lecturer at al-Najah National University was threatened via telephone by a person who introduced himself as an officer in the General Intelligence Service and he said he was Mahdi Subhi Maraqa. Dr. Qasem stated to PCHR that he got this call phone from the mentioned officer after doing an interview with the al-Aqsa Satellite Channel of Hamas movement. Qasem added that the caller threatened him and demanded that he not appear on al-Aqsa Chanel and not to give statements to the Channel.
- On 2 January 2009, members of the Palestinian security services prevented journalists and agents of local and international mass media from covering the dispersion of a peaceful demonstration organized by the Hamas movement and other Palestinian factions in Ramallah in support of Gaza residents during the last Israeli offensive on Gaza.²¹ Members of the security services used force to prevent journalists from accessing the demonstration. As a result of the use of force, Majdi Eshtayeh, a reporter of the Associated Press sustained a broken nose. Eshtayeh reported that the members of the security services demanded that he not film and then two of them attacked him and forced him to enter a nearby building where one of them hit him on his nose. As a result, Eshtayeh lost consciousness. He added that members of the security services transported him to the headquarters of the Military Intelligence Service where his nose bled again and then he was transferred to Ramallah Governmental Hospital where he received first aid medical treatment. Eshtayeh was informed that his nose was broken and that he required surgery. He underwent the surgery a few days later in a hospital in Nablus. During the same incident, members of the security forces held Jamal 'Arouri, a photographer of the Palestinian al-Ayam newspaper. They confiscated his camera, transferred him to the police station and confiscated his other camera and mobile. They checked the camera and the mobile and then released him.
- On 8 January 2009, Najib Farraj, a reporter for al-Quds newspaper in Bethlehem received a phone call from a person who introduced himself as a member of the security services. The caller threatened Farraj because of the publication of photos that Farraj took at a demonstration in Bethlehem organized in solidarity with Gaza.²² Farraj took photos of members of the Palestinian police attacking a boy while dispersing the demonstration.
- On 9 January 2009, members of the security services in Ramallah prevented journalists and members of mass media from accessing the location where dozens of civilians were gathered to participate in a demonstration organized by a number of Palestinian factions in solidarity with the Gaza Strip during the last Israeli offensive on the Gaza Strip. The members of the security services confiscated cameras and mobiles in an attempt to prevent participants from taking photographs of the demonstration. They also destroyed tapes and attacked those who were holding cameras. They used clubs to disperse the participants in the demonstration.²³

²¹ For more detail on the dispersion of the peaceful demonstration, see Part III of this report "the right to peaceful assembly".

²² For more detail on the dispersion of the peaceful demonstration in Bethlehem, see Part III of this report "the right to peaceful assembly".

²³ For more detail on the dispersion of the peaceful demonstration in Ramallah, see Part III of this report "the right to peaceful assembly".

- On 18 January 2009, the Preventive Security Service in Hebron arrested Khaled Mohammed al-‘Amayra, a reporter for al-Ahram Weekly newspaper after he got a summons via phone to appear before the Service in Dora village in Hebron. Al-‘Amayra was transported to the headquarters of the Preventive Security Service in Hebron. There he was interrogated about an interview he gave to al-Quds Satellite Channel during the last offensive on Gaza in which he criticized the performance of the Palestinian Authority. ‘Amayra was released on 21 January after being detained for three days.
- On 23 January 2009, unknown persons raided the house of Dr. Abdul Sattar Qasem (Khaliliya), a lecturer at the al-Najah National University, in Nablus. They set fire to his car that was in the garage annexed to the house. Dr. Qassem stated to PCHR the following:

“... At approximately 21:30, after I gave a TV interview to al-Quds Satellite Channel unknown persons raided my house in Nablus. They set fire to my silver Mitsubishi car. The following day I filed a complaint with the police in the city. Investigations are still ongoing.”²⁴
- On 24 January 2009, the Preventive Security Service in Nablus arrested Samer Amin Khwaira, 27, a reporter for al-Quds Satellite Channel in Nablus. He had appeared to the Preventative Security Service in response to a summons he had received via telephone.²⁵ Khwaira was interrogated. He was asked about personal information, his work as a journalist and his work for al-Quds Satellite Channel. The following day he was transferred to Junaid prison in Nablus where he was also interrogated. Khwaira was released on 1 March 2009. These events occurred two days after a number of members of the PSS arrived at the office of al-Quds Satellite Channel and questioned Khwaira about his work for the Channel.
- On 24 January, Ahmed ‘Ata al-Bikawi, 37, a reporter for the al-Quds Satellite Channel in Ramallah, received a phone call from an MIS officer who demanded al-Bikawi to go to the headquarters of the MIS.²⁶ The following day, al-Bikawi headed to the MIS headquarters in Um al-Sharayet neighborhood in Ramallah. Security members confiscated his personal belongings and interrogated him about his personal life and the nature of his work. On 27 January, al-Bikawi was transferred to Junaid prison in Nablus where he was detained for approximately 75 days. During that time he was repeatedly interrogated. He was released on 14 April 2009.
- On 26 January 2009, the PSS arrested ‘Essam al-Reemawi, a photographer for the Palestine News Agency (Wafa), while he was at his workplace in Ramallah. Al-Reemawi was taken to the PSS headquarters in Bitounia town, west of Ramallah, where he was detained until 10 February²⁷. Al-Reemawi told PCHR that he had been subjected to Shabeh for the first five days of his detention and that he was placed in solitary confinement for 15 days. He stated that he was interrogated about which media institutions he sells his photographs to. He was later released.

²⁴ This statement was given by Dr. Qasem on 21 November 2009.

²⁵ For more detail about PCHR’s position, see PCHR’s press release: “PCHR Condemns Continued Detention of Journalists by Preventive Security Service in the West Bank”, published on 12 February 2009, Ref: 28/2009.

²⁶ Ibid.

²⁷ Ibid.

- On 27 January 2009, the MIS detained Ibrahim ‘Ahed Rantisi, reporter for al-Quds Satellite Channel in Ramallah. During his detention, Rantisi was interrogated about personal information and his work for al-Quds Channel. He was released after 6 hours of detention.
- On 27 January 2009, GIS detained Mamdouh Mahmoud Hamamra, reporter of al-Quds Satellite Channel in Bethlehem. Hamamra had been delivered a summons on the previous day to appear before the GIS in Bethlehem. He was interrogated about personal information and the nature of his work for al-Quds Channel. He was released after several hours of detention.
- On 8 February 2009, unknown gunmen fired at the office of al-Hayat al-Jadida newspaper in al-Bireh city, in the center of the West Bank.²⁸ The editor of the newspaper, Bashar Barmawi, told the PCHR fieldworker that unknown gunmen fired at their offices from a building across from their offices. There were fifteen staff members of the newspaper in the office. No casualties were reported. However, the doors and windows, including the windows of the office of the editor, were damaged.
- On 19 February 2009, the GIS arrested Yazid Khader, from Deir al-Ghsoun town in northern Toulkarem. Khader is the editor in chief of Manbar al-Islah newspaper. Khader was interrogated about the nature of his work as a journalist. He was released on 22 February 2009. Khader stated to PCHR the following:
 - “On 19 February, I headed to the headquarters of the GIS in Toulkarem after I was delivered a summons to appear before the GIS. As I arrived, they took my personal belongings and told me that I was arrested. They led me into a solitary confinement cell. During four days of detention, I was interrogated about my work as a journalist. During the interrogations I was forced into the Shabeh position and members of the GIS beat me with their legs.”
- On 20 February 2009, unknown gunman fired at the offices of al-Hayat al-Jadida in al-Bireh city. It was the third time the office had been attacked. Na’el Mousa, the director of correspondents, stated to PCHR that unknown gunmen fired at the offices of the newspaper. Specifically, they fired at the press on the first floor. He added that approximately 20 staff members were on duty at the time of firing. No casualties were reported but the doors and windows were damaged.
- On 21 February 2009, Qais Abu Samra, from Sneibra village in Qalqilia, a reporter of the Jordanian Fact International newspaper and of Islam-Online website, received a written summon to appear before the PSS in Qalqilia. The following day, 22 February, Abu Samra went to the PSS headquarters in Qalqilia where he was arrested. He remained in detention for three days and was interrogated about the nature of his work as a journalist. Abu Samra told the PCHR fieldworker that:

²⁸For more detail about PCHR’s position, please see PCHR’s press release “Unknown Persons shoot at Offices of al-Hayat al-Jadeeda Newspaper in al-Bireh, and Car of Government Official in Nablus”, published on 9 February 2009, Ref: 25/2009.

- “On 21 February, a PSS member came to my house in Sneibra village and served me a written summons to go to the PSS headquarters in Qalqilia the following day. I went to the PSS headquarters where the PSS members took my personal belongings and told me that I was arrested. I was interrogated for three days about the nature of my work for the Fact International newspaper. They asked me to give them my e-mail and password. I refused at the beginning but eventually, after substantial psychological pressure I agreed to give them the e-mail and password. I was released after three days of detention.”
- On 2 March 2009, the GIS delivered a summons to Dr. ‘Issam Shawar, a writer and a journalist, from Qalqilia. When Dr. Shawar arrived at the GIS headquarters GIS members took his ID card and ordered him to wait. Several hours later, they ordered him to return home and come on the following day. The following day, Dr. Shawar arrived at the GIS headquarters but nobody interviewed him. He also waited for several hours and then was ordered to come back the following day. Dr. Shawar continued going to the GIS headquarters, waiting for long periods of time, going home and returning the following day until 27 March 2009. On that day Dr. Shawar was detained for ten days. Members of the GIS took his personal belongings and detained him in a solitary confinement cell from 10:00 am until 18:00 pm.
- On 29 March 2009, members of the GIS stopped the crews of al-Quds Satellite Channel and Ramattan News Agency in Deir Estia village in Salfit while they were interviewing residents in the village. The members of the two crews were transferred to the GIS in Salfit. They were interrogated about the nature of their work in the village. Samer Khwaira, reporter for al-Quds Channel, stated to the PCHR fieldworker that ten gunmen in civilian cars stopped them while interviewing a number of the residents in the village about settlements. Khwaira added that they were transferred to the GIS headquarters in Salfit and were interrogated about their presence in the village and about the nature of their work. They were later released.
- On 30 March 2009, unknown gunmen fired at the offices of al-Hayat al-Jadida newspaper in al-Bireh for the fourth time. No casualties were reported.
- On 20 April 2009, Abdul Sattar Tawfiq Qasem Khaliliya, 61, a professor of political science at Al-Najah National University²⁹ in Nablus, received several telephone threats from unknown persons after his participation in a TV program on al-Aqsa Satellite Channel of the Hamas movement about an attack against Sheikh Hamed al-Bitawi, a PLC member for the Reform and Change Bloc (Hamas). On the same day, 20 April, a vehicle belonging to the PSS arrived at Dr. Qassem’s house. The persons in the vehicle served Dr. Qassem a summons to appear before the PSS the following day. On Tuesday, 21 April 2009, Dr. Qassem drove his car to the police station in the center of Nablus to submit a complaint regarding the threats he received. However, the police detained him based on accusations of slander, libel and defamation, as well as espionage through visible and print media.

²⁹ For more detail, see PCHR’s press release “PCHR Notes with Grave Concern the Arrest of Dr. Abdul Sattar Qasem by the Palestinian Police in Nablus”, published on 22 April 2009, Ref: 54/2009.

Major Ashraf Metleq, director of public relations in the Palestinian police in Nablus, informed PCHR that Dr. Qassem was arrested following an order given by the Prosecutor General. The arrest was in connection with case no. 864/864 Nablus Prosecution and upon an order by Nablus Magistrate's Court in connection with case no. 794/2009. Metleq added that Dr. Qassem was detained in Nablus Prison and that the security services were not involved in his detention. He explained that the police received complaints from two civilians accusing Dr. Qassem of slandering, libeling and defaming them, and accusing them of espionage through visible and print media. He also added that Dr. Qassem was referred to the Court and the Court issued an order to detain him for 24 hours.

According to information made available to PCHR, the Nablus Magistrate's Court held a session on 21 April 2009 to review case no. 794/2009, filed by Mahdi Subhi Abdul Rahim Maraqa, an officer in the GIS, against Dr. Qassem on charges of defamation. The Court adjourned the case until 14 May 2009. The Court issued an order to release Dr. Qassem on bail but the police continued to detain him until 23 April, the date of the Court's session to review the other complaint against Dr. Qassem. The other complaint was filed by Ne'man 'Amer, a member of the PSS. 'Amer was supposed to be detained by the MIS in Nablus in relation to a 19 April 2009 attack on Hamed al-Bitawi, a PLC member for the Reform and Change Bloc.³⁰ On 23 April 2009, the Court held a session to review the complaint filed by 'Amer, and decided to adjourn the case until 26 May 2009 in order to bring the witnesses before the court upon a request by the claimant. The Court ordered the release of Dr. Qassem on bail. Dr. Qassem told PCHR that he went to the Court on 14 May 2009, but neither the claimant nor the witnesses were present. The claimant's lawyer submitted a request, for the second time, to postpone the session until 16 July 2009. Dr. Qassem added that he also went to the Court to in regard to the other complaint but neither the claimant nor the witnesses were present. The Court postponed the session to 16 July 2009. Dr. Qassem went to the Court on 16 July with regard to both complaints but the judge was not present. No one had informed him that the judge was not going to be in court. The Court's clerk gave a new court date of 22 October 2009. Dr. al-Qassem said that on 22 October 2009, he went to the Court but neither of the two claimants nor the witnesses were present. The judge adjourned the two cases until December 2009.

- On 21 April 2009, members of the PSS in two military vehicles arrested Mustafa 'Ali Sabri, a freelance journalist, from a farm near his house in Qalqilia. They transported him to the PSS headquarters in the Nakhlet Nofal neighborhood in Qalqilia. On 3 May 2009, Sabri phoned his wife and asked her to send their UNRWA security insurance card to UNRWA Hospital in Qalqilia city. He told his wife that he would be transferred to the hospital for medical examination. Sabri's wife and sisters went to the hospital. PSS guards initially prevented them from seeing Sabri but eventually they were allowed into see him. His wife reported that she thought he was on hunger strike because of his frail appearance. However, Sabri told her that he was suffering from high blood pressure and blood sugar levels. One of his sisters asked Sabri if he had been beaten. In the presence of the PSS he denied that he had been beaten.

³⁰ For more detail, see PCHR's press release: "PCHR Condemns Attack on PLC Member Sheikh al-Beetawi", published on 20 April 2009, Ref: 52/2009.

- Immediately after Sabri's arrest, a PSS legal advisor informed PCHR that: "Sabri was detained 22 April 2009 by an order of the military prosecution for security reasons. He is being questioned now. No family visits would be allowed until the questioning process is over." On 15 June 2009, the Palestinian High Court held a session presided over by Judge Rafiq Zuhud and Salah Manna' and Counselor Iman Naser Addin, and issued an order to immediately release Sabri. The order was not implemented.³¹ On 26 July 2009, Sabri was released from the PSS headquarters in Bitonia in Ramallah.

Sabri stated to PCHR that he was forced into the Shabeh position and that members of the PSS beat him. He added that he spent 43 days in the PSS headquarters in Qalqilia and the rest of the detention period in the PSS headquarters in Bitonia. He explained that he was served several summons to appear before the PSS in Qalqilia after his release under the pretext of completing his file with the PSS. He explained that every time he was summoned he spent several hours at the PSS headquarters and was then released.

- On 4 May 2009, a force from the PSS arrived at the house of Mohammed Eshteivi, director of the office of the al-Aqsa Satellite Channel, located on Far'on street in the south of Toulkarem. Members of the PSS force led him to the PSS headquarters in Toulkarem where he was questioned regarding the nature of his work for the al-Aqsa Satellite Channel. He was later released.
- On 18 May 2009, the PSS arrested Osaid 'Amarna, who was a reporter of al-Aqsa Satellite Channel in Bethlehem, after he was delivered a summons to appear before the PSS headquarters in Bethlehem. According to statements given by 'Amarna's mother to PCHR, 'Amarna was detained for 25 days and he was questioned about the nature of his work as a journalist. His mother stated that she visited him during his detention and saw signs of torture and beating with whip marks on his body. It should be noted that 'Amarna was arrested several times by the Palestinian security services. He was forced to sign an undertaking which prohibited him from working for the al-Aqsa Satellite Channel.
- On 29 May 2009, the GIS in Toulkarem detained Mohammed Eshteivi, director of the office of the al-Aqsa Satellite Channel, for one day. He was questioned about the nature of his work as a journalist and then released.
- On 30 May 2009, the security services prevented journalists and agents of the mass media from accessing Kfar Saba neighborhood in Qalqilia where armed clashes were taking place between members of the security services and members of the Izz Addin al-Qassam Brigades, the military wing of Hamas. Six civilians were killed.³²
- On 1 June 2009, 'Awad al-Rejoub, a reporter for al-Jazeera in Hebron, received a telephone summons to appear before the MIS. Al-Rejoub headed to the MIS headquarters in Hebron where he

³¹ For more detail, see PCHR's press release: "Journalist Mustafa Sabri Detained for 2 Weeks by Palestinian Preventive Security Services in Qalqilya", published on 4 May 2009, Ref: 60/2009.

³² For more detail, please see PCHR's press release: "3 Security Officers, 2 Members of the 'Izziddin al-Qassam Brigades and One Civilian Killed in Qalqilya", published on 31 May 2009, Ref: 69/2009.

was questioned about an interview that he had with Fawzi Barhoum, a Hamas spokesman. The interview was published in a press report on al-Jazeera's website. Al-Rejoub was released after being detained for five hours.

- On 3 June 2009, the PSS arrested Younis Ibrahim Hasasna, reporter of Iqraa Satellite Channel, after PSS members raided his house in al-Shoyoukh village in Hebron. Hasasna told PCHR that he was questioned several times by PSS interrogators regarding personal information and on the nature of his work as a journalist. He added that the PSS released him after two months of detention in solitary confinement cells without any charges being filed against him.
- On 3 June 2009, GIS members arrested Mohammed Eshteivi, director of the office of the al-Aqsa Satellite Channel in in Toulkarem. Eshteivi told PCHR that he was interrogated several times about the nature of his work for al-Aqsa Satllite Channel. He stated that he was released after nine days of detention.
- On 4 June 2009, security services prevented journalists and agents of the media from accessing Sharim neighborhood in Qalqilia, in the north of the West Bank, where armed clashed were taking place between members of the security services and members of the Izz Addin al-Qassam Brigades, the military wing of Hamas. A member of the security services and two embers of the Izz Addin al-Qassam Brigades were killed in the clashes.³³
- On 10 June 2009, the GIS arrested writer and journalist Dr. Farid Abdul Fattah Abu Dheir, director of al-Najah Office for Media Services and lecturer at the Information Department of al-Najah National University. He was taken from his house in Nablus city to GIS headquarters. He was detained until 14 June. Dr. Abu Dheir stated he was interrogated about the nature of his work as a journalist and about his media office.
- On 15 June 2009, members of the PSS in Hebron detained the crew for the al-Jazeera Satellite Channel after the members of the crew covered the burial ceremony of Haitham Amr who passed away in a GIS prison in Hebron in the morning of 15 June 2009. The crew included Wa'el al-Sheyukhi, a reporter of al-Jazeera Channel, Zeyad al-Aqrat, cameraman, and Mohammed Salama, cameraman assistant. Al-Sheyukhi stated that as they were leaving Beit al-Roush al-Foqa they were stopped by members of the PSS who confiscated their camera and equipment. The PSS members told the al-Jazeera crew to go to the PSS in Hebron to get their equipment back and that it was a routine action. The members of the crew headed to PSS headquarters and waited one hour and a half till they could see the director who retuned the camera and the equipment to them. Once the equipment was in their possession they found that the PSS deleted the report from the camera.
- On 21 June 2009, the MIS in Jenin, in the northern area of the West Bank, arrested Serri Samour, a journalist, alleging that he prepared and published a report on incidents in Qalqilia. Samour had

³³ For more detail, see PCHR's press release: "Palestinian Security Officer and 2 Members of the 'Izziddin al-Qassam Brigades Killed in Qalqilya", published on 5 June 2009, Ref: 76/2009.

received a summons to appear before the MIS and headed to the GIS headquarters accordingly. He was arrested and was not released until 13 July 2009.

- On 22 June 2009, the PSS arrested Qais Abu Samra, a reporter for the Jordanian Fact International newspaper and of Islam-Online website, from his house in Sneibra village in Qalqilia, in the northern area of the West Bank. PSS members searched Abu Samra's office in his house and confiscated his computer. They arrested Abu Samra and transported him to PSS headquarters in Qalqilia. On 18 September 2009, Abu Samra was released after he spent 88 days in detention. During his detention, Abu Samra was forced into the Shabeh position and he was beaten. It should be noted that Abu Samra received a written summons from the GIS in Qalqilia requiring him to appear before the GIS on the following day but prior to appearing he was arrested by the PSS. Abu Samra made the following statement to PCHR:

“At approximately 23:00, a force from the PSS arrived at my house in Sneibra village. The members of the force searched my office in my house. They confiscated my computer and a set of CDs. Then they led me to the PSS headquarters in Qalqilia. I was interrogated several times over 14 days. I was also forced into the Shabeh position and the PSS members beat me with sticks and their hands. The interrogations focused on the nature of my work as a reporter for the Jordanian Fact International newspaper, my media coverage of incidents in Qalqilia and the transmission of press releases published by the Islamic Resistance Movement (Hamas) on its position regarding those incidents. After being interrogated, I remained in detention without any investigations or interviews. I was released on 19 September 2009 after I signed an undertaking requiring that I not prejudice the prestige of the Palestinian Authority and that I would preserve public security.”

- On 10 July 2009, the GIS in Nablus arrested writer and journalist Dr. Farid Abu Dheir, a lecturer in the Information Department of al-Najah National University, from his house in Ras 'Ein area in Nablus. He was released one week later.
- On 15 July 2009, the Palestinian Prime Minister in Ramallah and Acting Minister of Information, Dr. Salam Fayad, issued a decision requiring the suspension of the work of al-Jazeera Satellite Channel (JSC) and preventing its personnel from carrying out any activities in Palestine pending a final judicial ruling in this regard.³⁴ According to investigations conducted by PCHR and a statement issued by JSC's office in Jerusalem, at 14:00 on 15 July 2009, two persons wearing civilian clothes arrived at the JSC's office on the eighth floor of City Center building in the center of Ramallah. The two persons introduced themselves to Walid al-'Umari, director of JSC's office in the oPt, as officers in the GIS. They then handed over a letter signed by the Lieutenant Colonel Huqouqi Yasser al-Fahum, on behalf of the Colonel Munir Telbani, Chief of police in Ramallah and al-Bireh Governorate.³⁵ The decision read, "According to the decision issued by Palestinian Prime Minister

³⁴ For more information about PCHR position from the incidents that took place in Qalqilya, please refer to PCHR press release: "3 Security Officers, 2 Members of the 'Izziddin al-Qassam Brigades and One Civilian Killed in Qalqilya," 31 May 2009, ref.: 69/2009.

³⁵ To see the decision of the police in Ramallah and al-Bireh, see Annex VI.

and Acting Minister of Information on 15 July 2009, it has been decided to suspend work in al-Jazeera Satellite Channel's offices in Palestine. Thus, its teams are banned from any work pending a final judicial ruling in this regard. In case the decision is violated, you shall be held legally accountable." The two officers also handed Mr. al-Umari a copy of the decision issued by the Minister of Information related to the temporary suspension of the JSC's work. The decision read as follows:

In accordance with the powers legally afforded to us, having reviewed Law No. 9 of 1995 Concerning Press and Publications, having reviewed regulations no. (15/10/M.W/A.Q) on Licensing Radios, TVs and Satellite Channels, especially articles 8 and 15, and based on the requirements of the higher interests of the Arab Palestinian people, we have decided the following:

Article 1

Work in al-Jazeera Satellite Channel offices in Palestine shall be suspended. Thus, its teams are banned from any work pending a final judicial ruling in this regard.

Article 2

Anything that may contradict this decision shall be cancelled, and all concerned have to apply its provisions, each according to its field of specialization. This decision shall enter into force on the day it is issued."

After making this decision, the Palestinian Prime Minister in Ramallah stated that he charged the Attorney General, Mr. Ahmed al-Moghanni, with taking all necessary legal action to sue the JSC "due to its flagrant incitement against the Palestine Liberation Organization (PLO) and the Palestinian National Authority (PNA), which implied an attempt for provoking disorder." In turn, the JSC stated that it was astonished by the PNA's decision to suspend the Channel's work in the West Bank and decided to counter-sue. JSC had broadcast accusations, expressed by the second man, in Fatah movement, Farouk al-Qaddoumi, against Mahmoud Abbas, the Palestinian president and PLC member Mohammed Dahalan. Al-Qaddoumi accused them of participating in an Israeli conspiracy to assassinate the late Palestinian President, Yasser Arafat. The JSC added in its statement "it has been careful to ensure editorial balance in all aspects of the broadcast. They mentioned that they broadcast both the accusations by Mr. El Kadomi as well as the refutation of the accusation by the Central Committee of Fatah movement. Furthermore, they also broadcast interviews with commentators who had listened both to the accusations of Mr. al-Kadoumi and those who criticized the accusations." JSC welcomed the PNAs resort to the judiciary, reiterating that the channel will continue covering the Palestinian affairs with full professionalism. On 26 July 2009, JSC announced that Prime Minister Salam Fayad decided to end the suspension of JSC's work in the West Bank but and to continue the lawsuit.³⁶ Based on statements made

³⁶ A report published on the website of al-Jazeera on 26 July 2009, at www.aljazeera.net.

by Mr. al-'Umari to the PCHR fieldworker the JSC's office in Ramallah has not, as of now, received any notification from Palestinian courts.

- On 28 July 2009, Mustafa Sabri, a freelance translator from Qalqilia, was delivered a summons to appear before the MIS in Qalqilia. Sabri told PCHR that he went to the MIS headquarters and was detained for 12 hours. He also stated that he was questioned about the nature of his work as a journalist and about his political affiliation.
- On 4 August 2009, the PSS arrested Dr. 'Issam Shawar, a writer and a journalist, from his father's house in Qalqilia. He was questioned about articles that he published in Falastin newspaper, which is published in Gaza, and about his articles published on other websites. On 31 August 2009, Dr. Shawar was released after he signed a written undertaking stating that he would in no way act to prejudice the prestige of the Palestinian Authority and committed to follow PNA laws. Dr. Shawar stated to the PCHR fieldworker that:

"I got a phone call from someone who said he was a member of the PSS. He asked me to tell him where I was. I told him that I was in my father's house. After a while, a member of the PSS arrived at my father's house. The members of the force arrested me and transported me to the PSS headquarters in the east of Qalqilia. When I arrived at the headquarters they took my personal belongings. During the first three days of my detention, I was forced into the Shabeh position for prolonged periods through the day and night. I was blindfolded. They questioned me about articles I wrote and published in a number of news websites and in the Falastin newspaper. They said that my articles implied criticism against the Palestinian Authority. They also questioned me about the nature of my work. They questioned me for one week. On 31 August 2009, they released me after I signed undertaking committing to not prejudice the prestige of the Palestinian Authority and that I was committed to following the laws."

- On 30 August 2009, Mohammed Eshteivi, director of the office of al-Aqsa Satellite Channel in the West Bank town of Toulkarem went to the MIS in Ramallah after he received a summons. Eshteivi stated to PCHR that when he arrived to MIS headquarters the MIS members took his personal belongings, handcuffed him and covered his head with a piece of cloth. He said that they beat him with their hands and one of them hit his head against a wall. He explained that he was questioned several times on the nature of his work for al-Aqsa Satellite Channel, including its personnel and archive. Eshteivi was released after five days in detention.
- On 5 September 2009, the GIS in Bethlehem arrested Osaid 'Amarna, who was a cameraman for al-Aqsa Satellite Channel. A member of the GIS had phoned 'Amarna on the evening of 4 September and asked him to go to the headquarters of the GIS. While 'Amarna was in detention, a force from the GIS went to his house in al-Dheisha refugee camp, searched his room and confiscated his laptop. He was released on 19 September.
- On 6 October 2009, Pal Media Company near the al-Muqata'a headquarters in Ramallah was served an order from the MIS requiring the Company to prevent a crew from Al-Quds Satellite Channel from the offices of the Company under the pretext that the area is a military area. On the same day,

the Company received notice of a decision requiring the Company to prevent Ahmed ‘Ata Beikawi, a reporter for al-Quds Satellite Channel, from the offices of the Company. Pal Media Company provides media services to a number of local and international TV channels. Journalist Ibrahim al-‘Amer, coordinator of Programs and Production Department at al-Quds Satellite Channel in the West Bank, stated to the PCHR fieldworker the following:

“At approximately 12:00, I got a phone call from Pal Media Company and I was told to go to meet an officer in the office of the President. I went to see the officer. After the officer introduced himself to me I was told that we needed to implement an oral order requiring that our colleague, Ahmed Beikawi, a reporter for al-Quds Satellite Channel, would be prevented from coming in the office based on the claim that the area was a military area. He said that the MIS gave this order. Although we were astonished by the decision, we asked Beikawi to leave the office of Pal Media Company until we found a solution to the problem. Late on the same day, I got another phone call from Pal Media Company. I was told that they received an order from the MIS which required that members of the crew of al-Quds Satellite Channel could not enter the offices of Pal Media Company, which is close to al-Muqata’a headquarters. I was told that this order was also based on the claim that it was a military area. The following day, Pal Media Company called Nemer Hammad, the President’s political counselor, to find a solution, but it was to no avail.”

Part III: Right to Peaceful Assembly under PNA Rule

During the reporting period there have been no changes to the legal framework that governs the right to peaceful assembly in territories under PNA rule. The Amended Basic Law and the Public Assembly Law remain the relevant regulation governing the right to peaceful assembly. While this legal framework provides special protection for the right to peaceful assembly, including the right to organize peaceful demonstrations and public assemblies and other meetings, the executive bill of the Public Assembly law issued by the Interior Minister is the main tool for the executive branch to prevent or impose restrictions on the practice of the right to peaceful assembly. The reporting period witnessed a dramatic escalation of violations committed by official and unofficial bodies against the right to peaceful assembly. This is also evidenced by the obvious failure by the competent authorities to open investigations into such violations and to bring perpetrators to justice.

First: Legal Framework Regulating the Right to Peaceful Assembly

The Palestinian Basic Law is the most important domestic document governing the right to peaceful assembly. Furthermore, the Public Assembly Law and its executive bill also govern the right to peaceful assembly. The executive power issued several decisions during the reporting period aimed at restricting the right to peaceful assembly.

The 2003 Amended Law

The Basic Law is consistent with international instruments and standards that address the right to peaceful assembly. Article 26 of the Basic Law, in its five paragraphs, guarantees the right of Palestinians to participate in the political life individually and collectively including the right to form and join parties, the right to form unions and associations..., the right to vote and to run as candidates for election ..., the right to hold public offices and positions in accordance with the principle of equal opportunities. Article 26 (5) affirmed the right to public assembly: "... to conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law."

Public Assembly Law No. 12 of 1998

The Public Assembly Law no. 12 of 1998 is also in conformity with international instruments addressing the right to peaceful assembly, especially the International Covenant on Civil and Political Rights. It aimed at enhancing democratic principles in Palestinian civil society. Article 2 of the Law states that "People have the right to organize public meetings, seminars and demonstrations freely. Public meetings, seminars and demonstrations shall not be prejudiced or restricted except in accordance with criteria stipulated herein." Although this Law requires organizers of a public assembly to notify, in writing, the governor or the chief of the police of their intent to organize a public meeting at least 48 hours before the actual time of the assembly, it grants the right to the organizers to organize their

assembly in accordance with that written notification if they do not receive a written response within 24 hours. The written notification is meant to inform officers of the assembly so that they may take measures that do not prejudice the freedom of assembly, but that are aimed at organizing the traffic. Article 1 of the Public Assembly Law defines an assembly as “Every public assembly in which at least 50 people are participating and which organized in an open location...”. Thus, any assembly involving less than 50 people or is organized in a closed hall, such as seminars and workshops, does not require a written notification. Article 5 of the Law stipulates that: “The competent authorities, upon a request from the organizer of the assembly, shall take all necessary protection measures. They measures may not prejudice the freedom of the participants in the assembly and the and the progress of the assembly.”

Public Assembly Law’s Executive Bill

The executive bill of the Public Assembly Law no. 12 of 1998 issued on 30 April 2000 in accordance with Article 7 of the Law by late President Yasser ‘Arafat in his capacity as the Interior Minister imposed many restrictions on the exercise of the right to peaceful assembly. It contradicts former declarations by the Palestinian Authority relative to the Palestinian Authority’s commitment to international instruments and human rights. It also contradicts the clear intention of the Basic Law and the Public Assembly Law to foster democracy by allowing a broad right to public assembly. Article 3 of the executive bill stipulates: “Before responding to the notification of the assembly or demonstration, the chief of the police shall ask for a meeting with the organizers of the assembly or the demonstration in order to discuss the objective, subject, time, duration and track of assembly or the demonstration.” Article 6 of the Law gives the right to the police to terminate and disperse any assembly if the police estimates that the assembly is out of its specified objective: “If the public assembly is not committed to its objective, in the case of any infringement of any of the terms under which the assembly was organized or if it causes breach of public security and order, the police may terminate the assembly and disperse the participants in accordance with the provisions of the law.”

Although the Presidential Decree no. 3 of 1998 on Establishing National Unity and Preventing Incitement violated the spirit of the Basic Law because of its general and ambiguous language the executive bill of the Public Assembly Law imposes further, more specific, restrictions on the exercise of the right to peaceful assembly. Article 9 of the executive bill stipulates, “The organizers of the assembly or the demonstration must take into consideration the provisions of the Presidential Decree no. 3 for the year 1998 on Establishing National Unity and Preventing Incitement.”

Article 11 of the executive bill states, “The response of the police to the notification referred to in Article 1 of this bill shall be in the form of a written permission in accordance with a formula approved by the chief of the police. It shall be delivered in hand and shall include (a) name of notifier, (b) subject of the assembly or objective of the demonstration... (e) security conditions and regulations as determined by the chief of the police in order to provide protection for the assembly or the demonstration in a way that ensures protection to the participants and that ensures public safety, and (f) any other conditions.” In accordance with this Article, the objective of the notification is to get permission from the chief of the police; not just to notify the chief of the police. This language clearly

creates a precondition for getting his approval or disapproval. The chief of the police was also given the right to determine the subject of the assembly or the objective of the demonstration. Further, paragraph (f) states “any other conditions,” which is a general expression.

This executive bill was issued after the chief of the Palestinian police published a decision on 29 February 2000, which prevented the organization of public assemblies without getting a prior permission from the chief of the police.³⁷ At the time, PCHR strongly condemned this decision and considered it to be a flagrant violation, both in terms of the text and spirit, of the Public Assembly Law. On 29 April 2000, after deliberations with political powers and civil society organizations, PCHR filed an appeal with the Higher Court of Justice. In this appeal, PCHR argued the illegality of the mentioned decision. On 29 April 2000, the Higher Court of Justice issued a decision requiring the temporary suspension of the application of the decision till the issuance of a final decision by the Court. However, late President Yasser ‘Arafat, in his capacity as the Interior Minister at the time, issued the executive bill of the Public Assembly Law on 30 April 2000, one day after the decision of the Higher Court of Justice. On 1 November 2006, PCHR sent a letter to the then Interior Minister, Said Seyam, and urged him to use his power to annul the executive bill of the Public Assembly Law no. 12 for the year 1998 or to modify the executive bill in conformity with the Public Assembly Law.

³⁷ For more detail, see the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under PNA Rule, Studies Series no. 36, PCHR, March 2005, First Edition.

Second: Violations of the Right to Peaceful Assembly

While the two governments in the West Bank and the Gaza Strip issue different decisions, the two parties employ the same laws to restrict the right to peaceful assembly. The main tool is the executive bill of the Public Assembly Law. Generally speaking, supporters of Fatah, or parties allied with the Fatah movement, are allowed to demonstrate in the West Bank and supporters of Hamas, or parties allied with the Hamas movement, are allowed to demonstrate in the Gaza Strip. However, each of the two parties prevent the other party from organizing public assemblies in the territory under its rule. As discussed above, officials began using the law to require official permission as opposed to notification. Moreover, official bodies and security services in the West Bank and the Gaza Strip took 'precautionary measures' that prevented the organization of public assemblies and activities. These bodies committed violations which included arrest or delivery of summons to activists affiliated with the other party. Restrictions were imposed to prevent the Hamas movement from organizing public activities, such as on its anniversary, in the West Bank. In the West Bank, restrictions were imposed to prevent the Fatah movement from organizing public activities on occasions such as its anniversary and the anniversary of the death of late President Yasser 'Arafat. The two governments are even applying this law to private assemblies, which were not intended to be required to provide notice. The following is a review of violations documented by PCHR during the reporting period in the Gaza Strip and the West Bank:

Violations of the Right to Peaceful Assembly in the Gaza Strip

The government and its security services in the Gaza Strip imposed very strict measures to restrict and prevent public assemblies. They require the organizers of public assemblies to submit an application for permission to hold any event. This is in violation of the law that requires sending a notification to the police or to the governor simply to allow them an opportunity to plan for the event. During the reporting period, the security services prevented the organization of peaceful assemblies and used force to disperse demonstration and assemblies. Further, the security services intervened to disrupt private assemblies, which the law requires not be disrupted by security services. The most significant violations committed against the right to peaceful assembly during the reporting period were documented as follows:

- On 3 August 2008, dozens of security members were deployed in al-'Awda Square in the center of Rafah, in the south of the Gaza Strip, to prevent the a vigil by the National Action Committee, a committee formed of members representing the factions of the Palestinian Liberation Organization. The vigil was in protest against the security campaign implemented by the government in Gaza to close dozens of civil society organizations. Members of the police prevented civilians from gathering in the Square and arrested ten civilians, including a passerby. Also 'Itaf Salama al-Hemran, an activist from the Hamas movement, was also arrested because she was with other female activists in the Square. The arrested civilians were released in the evening of the same day after they were forced to sign an undertaking guaranteeing that they would not participate in any demonstrations and

requiring that they adhere to decisions taken by the government in Gaza. A passerby³⁸ stated to the PCHR fieldworker that he was beaten, tortured and forced into the Shabeh position in detention. Signs of torture were apparent on his body. Islam Shahwan, the spokesman of the Palestinian police, stated to PCHR that the reason for preventing the organization of the vigil was because the organizers did not get permission from the Ministry of Interior.

- On 24 November 2008, members of the Islamic Bloc, who were later identified to be members of security services in Gaza, opened fire inside the campus of the Intermediate Studies College of al-Azhar University in Tal al-Hawa, in the west of the Gaza Strip, to disperse dozens of students who gathered in protest of a decision taken by the administration of the University to exempt a number of students who are members of the Islamic Bloc from tuition fees. According to statements given to the PCHR fieldworker by eyewitnesses, a member of the Islamic Bloc fired directly at Muntaser 'Elwan, who was considered the organizer. 'Elwan was not hurt. The administration required the students to evacuate the College campus. Also the police arrived at the scene and arrested 10 students who were participating in the gathering. A number of civilians who were arrested stated that they were released in the evening of the same day. Muntaser 'Elwan was released the following day. They also stated that the security members beat them while they were being transferred in the security vehicle and also in al-Jawazat police compound. On 26 November 2008, Islam Shahwan, spokesman of the police, stated to PCHR that the police opened an investigation into the incident and the two parties to the dispute were brought in for questioning. The Vice-Dean of the Intermediate Studies College stated that the security services did not arrest any of the students who opened fire within the university campus.
- On 25 March 2009, the Ministry of Interior in Gaza prevented the organization of a memorial ceremony in Jabalia town, in the northern Gaza Strip. This ceremony was organized by the National Action Committee in memory of Kamal Naji, Deputy Representative of the Palestinian Liberation Organization in Lebanon, who was killed under mysterious circumstances on 23 March 2009. The National Action Committee notified the Ministry of Interior of its intent to organize the ceremony in accordance with the law, but the Ministry disapproved.
- In the evening of 14 April 2009, security members were near the al-Quds Open University – Rafah Branch in the al-Juneina neighborhood in Rafah. They prevented civilians and students from accessing the University in order to prevent Fatah Youth Organization from preparing for a ceremony that was supposed to be organized the following day, 15 April, in memory of the death of Khalil al-Wazir (Abu Jihad) and to commemorate the Palestinian Prisoners' Day. On the same day, the Internal Security Service delivered summons to a number of the members of the administrative committee of Fatah Youth Organization in Rafah and told them of a decision preventing the organization of the ceremony and preventing them from going to the University the following day. The police deployed in the vicinity of the university the following day and prevented students from accessing the University.

³⁸ PCHR maintains the name.

- On 16 April 2009, the Palestinian police in Gaza prevented the National Action Committee in Rafah from organizing a peaceful demonstration on Palestinian Prisoners' Day, which was supposed to be commemorated after the Friday prayers on 17 April 2009. According to statements given by the Secretary of the National Action Committee in Rafah, 'Abdul 'Aziz Abu Amra, representatives from the Democratic Front for the Liberation of Palestine phoned the police on behalf of the National Action Committee and got permission from the police to organize the demonstration. However, one day before the demonstration they were told that the demonstration would not be allowed.
- On 14 May 2009, the government prevented the organization of demonstrations in Gaza by the National Action Committee in memory of the Nakba. The Committee got approval from the police to organize the demonstration after a number of political parties and national figures intervened. But the police cancelled the approval and prevented the organization of the demonstrations. In addition, the Internal Security Service of the Ministry of Interior arrested a number of Fatah activists on the ground of their participation in the preparation for these demonstrations. The arrested persons were forced to sign an undertaking that they would not participate in any political or public activities in the Gaza Strip. Khaled Fayez al-Sarraj, coordinator of the National Committee for the Commemoration of the Nakba in central Gaza, stated to PCHR that he got a phone call at approximately 01:00 am on Thursday, 14 May, from someone who said he was a representative of Deir al-Balah police station. The caller told al-Sarraj that the Ministry of Interior decided to prevent and cancel any activities in memory of the Nakba. Al-Sarraj added that in the morning of the same day, he was surprised because the security services summoned a number of Fatah activists and questioned them about the preparations for the commemoration of the Nakba. He also said he was astonished because stickers distributed by the Committee in al-Maghazi refugee camp were torn by unknown persons.
- On 20 May 2009, the security services prevented women activists from going to Ramallah to participate in the fifth conference of the General Union of Palestinian Women.³⁹ According to statements given by a number of these activists to PCHR, at approximately 10:00 am on 20 May 2009, 87 women who were selected from across the Gaza Strip to participate in the conference headed to Erez (Beit Hanoun) crossing to travel to Ramallah to participate in the fifth conference of the General Union of Palestinian Women in a response to an official invitation letter from the Union. Amal Hamad, the Acting Chairman of the Board of Directors of the General Union of Palestinian Women in Gaza and one of the women who was prevented from traveling to Ramallah, stated to PCHR that as the women arrived at the customs checkpoint to the south of Erez crossing the women were stopped by members of the Palestinian police and the Internal Security Service. They searched their bags and confiscated documents for the conference, their IDs and passports. Hamad also stated that the members of the police and the Internal Security Service told the women that they were prevented from traveling for political reasons. They did not tell them which body was responsible for this decision. They also required the women to go to the headquarters of the Internal Security Service in Gaza city on Sunday, 24 May. After that, the women set up a vigil near the customs

³⁹ For more detail, please see PCHR's press Release "PCHR Condemns the Prevention of Women Activist from Going to Ramallah by Security Services", issued on 21 June 2009, Ref: 65/2009.

checkpoint until 15:30 pm to no avail. Mrs. Wejdan Mabrouk, a member of the Board of Directors in the General Union of Palestinian Women in Gaza, stated that after an intervention by Jamil al-Majdalawi, a PLC member, the confiscated IDs were returned to the women activists on Thursday, 21 May. On Thursday morning, 21 May, the women tried to get a video conference connection make connection with the conference in Ramallah in the Grand Palace Hotel but the hotel management refused and asked them to get a permission from the competent body.

- On 12 June 2009, a number of women in Beit Hanoun, in the northern the Gaza Strip, participated in a peaceful demonstration organized by the General Union of Palestinian Women to protest a decision taken by the government in Gaza to close al-‘Ata’a Charitable Association in Beit Hanoun. In the morning of the following day, 13 June, the GIS delivered summons to 45 women who participated in the demonstration GIS to go to the police station in Beit Hanoun.⁴⁰ Their husbands went to the police station and signed an undertaking preventing their wives from participating in any activities that provoke or incite negative actions against the government in Gaza. The GIS insisted that Shadeya Bahjat al-Kafarna, 36, an employee of the al-‘Ata’a Charitable Association, come to the police station. When Saber Mahmoud al-Kafarna, , 42, who is the husband of Shadeya’s, went to sign the undertaking on behalf of his wife, he was held till his wife came to the police station.

Shadeya al-Kafarna told PCHR that:

“At approximately 08:00 am on 13 June 2009, I was delivered a summons from the GIS to go to the police station. I refused to go to the police station. The following day, 14 June, I was delivered another summons and I also refused to go to the police. My husband went to the police station on my behalf, but he was held until my arrival at the police station. I had to sign an undertaking preventing my participation in any activities that may be an incitement against the government in Gaza. After my husband was held, I was delivered another two summons, but I also refused to go to the police station. After the intervention of the National Action Committee, it was agreed upon that I go the police station, sign the undertaking and go immediately to home because I take care of my children. I had a five-month old baby. I headed to the police station and the GIS chief questioned me about my participation in the women’s demonstration. I also signed the undertaking.”

- On 13 June 2009, the Popular Front for the Liberation of Palestine (PFLP) organized a peaceful demonstration calling for an end to the Palestinian internal fragmentation. The demonstration started from Palestine Square and stopped at the Unknown Soldier Square in the center of Gaza City. While PFLP affiliates were returning to the PFLP’s office in the al-Sarraj Building in the center of Gaza City, a civilian car driven by members of the GIS stopped a PFLP car. The PFLP the car had been broadcasting a call for an end to the Palestinian internal fragmentation via a stereo system. Farid al-Hawajri, 23, who was participating in the demonstration, stated to PCHR that the two parties (PFLP

⁴⁰ After the destruction of the police station in Beit Hanoun by the Israeli occupation forces, during the last offensive on the Gaza Strip, the police transformed the offices of the al-‘Ata’a Charitable Association into a police station. The Association was closed during the security campaign implemented by the security services in July and August 2008 against dozens of civil society organizations in the Gaza Strip.

affiliates and the GIS members) argued. The dispute was terminated when the GIS officers opened fire into the air and at the feet of the PFLP affiliates. Al-Hawajri was wounded by a bullet to his right side. Two other civilians were also injured. They are: (1) 'Atef Abu 'Oda, 54, who sustained shrapnel injuries in the head, and (2) Srouf Ibrahim Abdul Rahman, 25, who sustained shrapnel injuries in the head. The police also arrested six civilians who were participating in the demonstration and detained them for approximately one hour and a half in Ansar Prison, western Gaza city. One of the released civilians stated that he and his comrades were beaten by the policemen on their way to prison and in prison.

- On 14 July 2009, a force from the Palestinian police attacked a wedding party of the al-Madhoun clan in Beit Lahia town in the northern Gaza Strip. According to investigations conducted by PCHR and statements given by members of the al-Madhoun clan, at approximately 22:40 on 14 July 2009, the Palestinian police stormed the wedding party. Police officers fired into the air and at the house of the bridegroom's father, 'Abdul Hakim al-Madhoun. As a result, 4 persons, including two women, were wounded. They were (1) Ne'ma Salim al-Madhoun, 60, wounded by shrapnel from a gunshot to the left foot; (2) Tahreer Ibrahim al-Madhoun, 22, wounded by shrapnel from a gunshot to the right foot; (3) Rabah Ibrahim al-Madhoun, 48, wounded by shrapnel from a gunshot to the head; and (4) Mahmoud 'Abdul Hakim al-Madhoun, 21, wounded by shrapnel from a gunshot to the head. The injured persons were transferred to Kamal 'Odwan Hospital for treatment and medical sources described their wounds to be light. Police officers also violently beat a number of guests and participants. Some of the beaten persons sustained bruises. According to information obtained by PCHR from eyewitnesses, the police stormed the wedding party after members of the clan raised a portrait of Sameeh al-Madhoun, a Fatah activist who was killed by militants from Hamas on 14 June 2007. Earlier, Dr. Nafez al-Madhoun, Rapporteur of the Legal Committee in the Palestinian Legislative Council, attempted to convince members of the clan to remove the portrait or to stop the party, but they refused.
- On 30 September 2009, the Palestinian security services prevented the National Action Committee from organizing a peaceful demonstration in Khan Younis in protest against the actions of the Israeli occupation forces in Jerusalem. Abdul Ra'ouf al-Farra, a PFLP leader, stated to the PCHR fieldworker that the National Action Committee submitted written notification to the police in Khan Younis. The notice stated the time and route of the demonstration but the police refused to take the notification under the pretext that the chief of the police was not present. Al-Farra added that the notification was delivered to the chief of the police in Khan Younis on 29 September 2009, but they received several phone calls, in the morning of 30 September, from members of the police and the Internal Security Service who told them that they were prevented to organize the demonstration.

Prevention of the Organization of Private Assemblies not Requiring Notification in Accordance with the Public Assembly Law

During the reporting period, the government in Gaza prevented the organization of private assemblies such as seminars, parties or conferences that were supposed to be held in closed locations. These assemblies are not public assemblies addressed by the Public Assembly Law, which require only submitting a notification to the governor or to the chief of the police. It is not required that they get permission for a private party. Article 1 of the Public Assemblies Law stipulates that: "Every public assembly in which at least 50 people are participating and are organized in an open location, including public sites, squares, playgrounds, parks and the like." Article 26 (5) of the Palestinian Basic Law states that: "... to conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law."

- On 25 August 2008, members of the Internal Security Service affiliated with the Ministry of Interior terminated a workshop organized by AMAN-Coalition for Integrity and Accountability entitled "The Right to Assembly within the Framework of Organizations and Parties". The workshop was held in a hall in the Palestinian Red Crescent Society in Khan Younis, in the southern Gaza Strip. The members of the Internal Security Service claimed that they terminated the workshop because the organizers did not get permission. The security members held a number of participants for three hours. After an intervention by the National Action Committee, the held participants were released.
- On 15 October 2008, a force from the Palestinian police in two military vehicles drove to a wedding party of the Helwa (Yasin) family in Block 5 in al-Nuseirat refugee camp in the middle of the Gaza Strip. Members of the police demanded the family to remove the flags of the Fatah movement and portraits of late President Yasser 'Arafat and then they left. Approximately half an hour later, members of the police attacked the party and beat the participants with sticks and clubs dispersing them.
- On 7 May 2009, Abdul Ra'ouf Shreiqi Barbakh, the General Supervisor of the Palestinian Children's Parliament in Rafah, received a phone call from someone who said he was a member of the criminal investigation department of the Palestinian police in Gaza. The caller told Barbakh that the police had decided to prevent the Palestinian Children's Parliament from organizing a ceremony to honor journalists and figures from civil society organizations. The ceremony was to be held on 7 May in a hall in Rafah Sports Club. Barbakh also received a phone call from the chairman of Rafah Sports Club's Board of Directors who told him that a number of policemen arrived at the Club and told him that he was prohibited from having the ceremony in the club. The Palestinian Children's Parliament had already delivered invitations to a number of figures in Rafah to attend the ceremony.
- On 10 September 2009, the Press Information Bureau, affiliated with the Ministry of Information in Gaza, published a press release, which contained new guidelines for media companies, institutions and centers. These guidelines required them to get permission from the Ministry of Information for the organization of documentary film festivals. The press release stated: "It was recently noted that

media institutions in the Gaza were preparing to organize documentary film festivals nearly in the same time and with the same content. Thus, we, in the Ministry of Information, decided that it is our duty to organize this process.”⁴¹

Public Assemblies that Erupt in Violence

- On 14 October 2008, violence erupted at al-Azhar University in Gaza City. The violence began when approximately 100 students from the Islamic Bloc (the student wing of Hamas) from al-Azhar University, and from other universities in Gaza, gathered together outside the campus of al-Azhar University in Gaza City. They broke into the campus shouting slogans against the administration of the university and other academic figures. A sound bomb was subsequently detonated inside the campus and students from the Islamic Bloc destroyed the iron gates of the administration building at the university. They cut down portraits of the late Palestinian President, Yasser Arafat and stormed the office of the Board of Trustees and destroyed its contents. They subsequently moved towards offices of the deans of al-Azhar university threatening a number of deans and vowing further escalation. Later the same day, students from the Fatah Youth Organization clashed with students from the Islamic Bloc, and a number of students on both sides sustained minor injuries. Islamic Bloc students also distributed a leaflet entitled ‘Statement of Warning and Excuse Number 3,’ attacking the university Board of Deans, especially Dr. Jaber al-Da’our, Deputy President of the University Administrative and Financial Affairs Office, and Dr. Riad al-‘Eila, Dean of Students’ Affairs. The leaflet called upon the Minister of Interior to open what it described as ‘files of corruption at the university.’

In the aftermath of the incident, the university administration established an investigation committee, and, in accordance with the conclusion of its investigation, the administration dismissed the eleven students. In response to that decision, on 15 October, the university administration organized a sit-in at the university and also suspended classes at al-Azhar. The Islamic Bloc considered the decision unjust, and demanded it be reversed. The Islamic Bloc subsequently issued three successive statements in this regard. The first statement was published on 9 October, the second on 12 October and the third on 14 October. The final statement warned of “repercussions of the unjust decision against members of the Islamic Bloc” and held the university and its executives “responsible if they do not retreat from this unjust decision.”

- On 26 September 2009, three civilians, including a child in the yard of her school, were injured by shrapnel from gunshots coming from intense firing by militants from the Islamic Jihad movement who were participating in the funeral ceremony of three members of al-Quds Brigades, the military wing of the Islamic Jihad movement, who were killed by the Israeli occupation forces on 25 September. The injured were transferred to al-Shifa Hospital in Gaza city for treatment. Their wounds were described as light and they left the hospital after receiving necessary treatment.

⁴¹ To see the Ministry of Information’s press release, see Annex VII.

Violations of the Right to Peaceful Assembly in the West Bank

During the reporting period, the West Bank witnessed the imposition of strict measures implemented by official bodies to restrict the organization of public assemblies. Organizers of public assemblies were required to submit an application to get permission which, as mentioned, is a violation of the law which requires only sending a notification to the governor or the chief of the police. The security services prevented the organization of public assemblies or used force to disperse them. Further, the security services disrupted private assemblies, which are supposed to be organized without intervention by the security services, as provided for in the law. The most significant violations of the right to peaceful assembly committed in the West Bank during the reporting period were documented as follows:

- On 2 August 2008, Hizb Ut Tahrir organized a peaceful demonstration that started in front of the Endowments Department in the center of Toulkarem to commemorate the anniversary of the collapse of the Islamic Caliphate. As soon as the demonstration started, dozens of members of the security services deployed in the area and used force to disperse the participants. They beat the participants with sticks and clubs. Four participants were injured as a result. The injured were transferred to the hospital for treatment. During the incident, a reporter and cameraman of Maan News agency sustained bruises from being beaten by the members of the security services.⁴²
- On 2 January 2009, the Islamic Resistance Movement (Hamas) and other Palestinian factions in Ramallah called on Palestinians to participate in peaceful demonstrations in solidarity with the residents of the Gaza Strip and in protest against war crimes committed by the Israeli occupation forces during their offensive on Gaza. The demonstrations were supposed to start after the Friday prayer from al-Husein Ibn ‘Ali Mosque in Ramallah. As people left the Mosque and started to gather, a force from the Palestinian police arrived at the site and prevented the start of the demonstration. Participants then threw stones at the policemen and members of the security services. More than ten policemen and members of the security services were injured as a result. Also a number of the participants sustained injuries due to beatings from members of the security services who began to disperse the demonstration. The members of the security services fired several bullets into the air to disperse the participants but no casualties were reported. Also the members of the security forces used force to prevent journalists from covering the incidents and one of the journalists was wounded. In addition, approximately 20 participants were arrested and transferred to security headquarters. They were released on the same day.
- On 5 January 2009, student organizations in Birzeit University, west of Ramallah, organized a peaceful demonstration in solidarity with Gaza residents. The demonstration started at the campus of the University and headed towards ‘Attara intersection. The members of the security services deployed in ‘Attara village disrupted the demonstration and erected a stone barrier. They violently beat the students with sticks and clubs. At least 50 students sustained bruises and abrasions.

⁴² For more detail, see Part II of this report “the Right to Freedom of Opinion and Expression”.

- On 8 January 2009, the security services in Bethlehem dispersed a peaceful demonstration in solidarity with the Gaza Strip during the last Israeli offensive. The members of the security services used sticks and clubs to disperse the demonstration and violently beat a number of boys. Also members of the security services prevented journalists and agents of mass media from covering the incident.
- On 9 January 2009, the security services used force to disperse participants in a peaceful demonstration organized after Friday prayer in Ramallah by a number of Palestinian factions in solidarity with Gaza residents. The security members beat a number of participants who were raising Hamas flags. Tear gas canisters were also fired at the participants and many of them sustained bruises and suffered suffocation as a result. The security members prevented journalists and agents of mass media from covering the incident. They also prevented civilians from using their mobile cameras to film the incidents. They either confiscated cameras and mobiles, deleted photos and films of the incidents from cameras and mobiles or attacked those who were filming or taking photos of the incidents.
- On 25 January 2009, families of Palestinians detained by the security services in Hebron made a vigil in front of the military checkpoint located to the north of Hebron governorate building. The participants in the vigil raised banners calling for the release of their detained relatives. A security force soon arrived at the scene and took the banners by force. When participants refused to give the banners to the security members a group of women from the military arrived at the scene. At this point the security members used force to disperse the participants. They used clubs and fired tear gas canisters.

Prevention of the Organization of Private Assemblies which do not Require Notification in Accordance with the Public Assembly Law

During the reporting period, the government in Ramallah and its security services disrupted or prevented the organization of private meetings such as seminars, parties or conferences that were to be held in closed areas, or in public locations, with less than 50 participants. These assemblies are not a part of the public assemblies addressed by the Public Assembly Law, which require submitting notification to the governor or to the chief of the police. As mentioned above, no assembly requires getting permission from the authorities. Article 1 of the Public Assemblies Law stipulates that: "Every public assembly in which at least 50 people are participating and which organized in an open location, including public sites, squares, playgrounds, parks and the like." Article 26 (5) of the Palestinian Basic Law states that: "... to conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law."

- On 26 October 2008, the Palestinian Islamic Hizb Ut Tahrir stated that security services prevented the Party from organizing a seminar in the Best Eastern Hotel in Ramallah. The seminar was entitled "The Universal Economic Crisis ... Reasons and Solutions." In a press release published by Hizb Ut Tahrir, Baher Saleh, member of Hizb Ut Tahrir Press Information Bureau, stated "Forces from the

security services gathered near the gate of the hotel and prevented the participants from entering the hall. After debates between the organizers of the seminar and members of the security services, the security members declared that the seminar was prevented because the organizers had not obtained permission.”

- On 2 December 2008, members of the Palestinian security services stormed an assembly being held in the house of Khaled Husein ‘Awwad in Toulkarem, in the northern West Bank, and dispersed the participants. They removed the green flags of the Hamas movement. The civilians in were gathered in ‘Awwad’s house to give congratulations because he had just been released from an Israeli prison.
- On 23 February 2009, the Ministry of Interior prevented Hawa’a Center for Culture and Arts and Ghassan al-Shaka’, a member of the PLO executive committee from organizing a political seminar on the Palestinian Liberation Organization (PLO) that was set to be held in Nablus on 23 February. The Ministry said that it prevented the seminar because the organizers did not obtain permission.
- On 4 June 2009, approximately 20 women gathered in the Western Neighborhood in Qalqilia to protest against the siege imposed by the security services on the house of the Shrim family. There were a number of members of the Izz Addin al-Qassam Brigades, the military wing of Hamas, in the home. They were trying to protect themselves. The women were approximately 200 meters from the house when the security members fired into the air to disperse them. One of the security members fired directly at their feet. Two girls were seriously injured as a result.⁴³
- On 28 June 2009, the government in Ramallah prevented Hizb Ut Tahrir from organizing a peaceful conference in Ramallah. According to data made available to PCHR by Ibrahim al-Sharif, member of the Hizb Ut Tahrir Information Committee, on 9 June, Hizb Ut Tahrir sent a letter to the office of Ramallah and al-Bireh governor informing him that the Party decided to organize a conference at 17:30 on Saturday, 4 July, in the Ramallah Boys’ Secondary School, to commemorate the collapse of the Islamic Caliphate. On 28 June, Hizb Ut Tahrir received a phone call from the Director of the Governor’s Office, and was informed that the Ministry of Interior in Ramallah did not approve the organization of the conference in the school. The Ministry suggested that the conference could be held in a closed hall but Hizb Ut Tahrir refused this suggestion. On Saturday morning, 4 July, the security services erected many checkpoints at the entrances to, and throughout, Ramallah and al-Bireh. Also they placed a number of military vehicles inside the school where the conference was supposed to be held and prevented the members of Hizb Ut Tahrir from accessing the school. Hizb Ut Tahrir was forced to cancel the conference.
- On 23 July 2009, the government in Ramallah prevented Hizb Ut Tahrir from organizing a seminar in al-Jalazon Social Youth Club in al-Jalazon refugee camp, north of Ramallah. Hizb Ut Tahrir was supposed to hold a seminar on the Islamic Caliphate in the Club, but the security services intervened to prevent the organization of the seminar in response to a decision taken by the Ministry of Interior.

⁴³ PCHR maintains the names of the two girls and the names of eyewitnesses who gave statements to PCHR.

Conclusion and Recommendations

The period covered in this report, from 1 November 2006 to 31 July 2008, witnessed an escalation in violations against the right to freedom of opinion and expression and the right to peaceful assembly. There are two main reasons for this escalation. First, the security chaos caused by the internal fighting has resulted in a deterioration of the respect for the rule of law. The political fragmentation between the West Bank and the Gaza Strip after Hamas takeover of Gaza in June 2007 resulted in two governments being formed. Dr. Salam Fayyad, member of PLC, heads the government in Ramallah and Isma'el Haniya heads the government in Gaza. Second, the weakness of control by the authorities has led to emergence of different non-official bodies. Some of these unofficial bodies are known and some are unknown. Some belong to the executive authority. These unofficial bodies committed violations and attacked persons, particularly journalists, in an effort to prevent them from exercising their right to freedom of opinion and expression and the right to peaceful assembly.

As a result of this study, PCHR has the following recommendations, which are considered fundamental to support civilians' rights in practicing the freedom of opinion and expression and the right to peaceful assembly. PCHR:

1. Calls upon the two governments of Gaza and Ramallah to take serious and real efforts to end the increasing violations against human rights and public freedoms, including violations against the right to freedom of opinion and expression and against the right to peaceful assembly and against journalists and mass media.
2. Calls upon Fatah and Hamas to immediately begin a political dialogue. Calls upon all Palestinian political factions to respect the results of the legislative elections conducted in January 2006 and prioritize the interests of the Palestinian people over the interests of the disputing parties. This is because the current crisis of the Palestinian Authority is a political crisis rather than constitutional or legal, especially, the escalation of violations during the last year was one of the outcomes of the current political crisis.
3. Calls for the reconsideration of the legislation, which governs the right to freedom of expression and press freedoms to bring them into conformity with the international standards. While the Palestinian Basic Law is in conformity with international standards the Publications Law of 1995 issued by the late Palestinian President, Yasser Arafat, in a presidential decree before the establishment of PLC must be reconsidered. The PLC should reconsider this law, whether for re-issuance, modification, or abolition, as it includes restrictions imposed on the freedom of opinion and press freedoms. Furthermore, the presidential decree regarding reinforcing national unity and banning incitement #3 of 1998 constitutes a grave violation of the right to freedom of opinion and expression as the restrictions imposed minimize – to the maximum levels – the space available for persons to enjoy their right of opinion.
4. Calls upon the abolition of the Executive Regulation of Public Meetings Law # (12) of 1998, which was issued on 30 April 2000 by the late Palestinian President, Yasser Arafat, when he was the Minister of Interior. This Executive Regulation contradicts the Public Meetings Law and undermines the rights ensured by the Palestinian Basic Law as well as international standards.

5. Calls upon all relevant parties to work to reinforce the principle of the rule of law and separation of powers. Also all parties should work to balance the duties and rights of persons and to balance the individual right to assemble and the collective right to security through fair mechanisms and to confirm that all measures taken by the concerned bodies to enforce the law are legal and within the limits guaranteed and organized by the law.
6. Calls upon the Palestinian General Prosecution to investigate all violations committed against people and journalists and to bring perpetrators to trial. The independence of the General Prosecution should be paramount.
7. Calls upon all relevant parties to increase efforts related to the protection of mass media and journalists by allowing a reconstituted union that defends their interests. It also calls for conducting internal elections in the Palestinian Journalists' Union so as to promote the journalists' performance and mission.
8. Calls upon strengthening the relationship between human rights organizations and mass media and journalists in general. Human rights organizations should emphasize the significance of journalists and mass media in defending the right to freedom of opinion and expression generally, and media and press freedoms particularly.
9. Calls for the banning of weapons and ammunitions in marches, demonstrations and public meetings. Furthermore, PCHR calls for enforcement of law # (2) of 1998 regarding weapons and ammunitions and prosecuting the violators of this law. In this regard, the role of Authority should be supported by the Palestinian political parties, which are supposed to be bound by this law and prevent their members from carrying weapons in marches, demonstrations and all gatherings in general.

Annexes

Annex I

Interior Ministry's Press Release on Closing the People's Radio

وزارة الداخلية الفلسطينية
Palestinian Ministry Of Interior



Ministry of Interior: People's Radio Closed for Disseminating Lies and Rumors



The Ministry of Interior took a decision to close the People's Radio till further notice for its role in disseminating lies and rumors and in evoking sedition amongst the sons of our Palestinian people after infringing national, professional and objective responsibility. The Radio exploited the freedom of opinion and expression ensured by the law. We reiterate our request to all the mass media means to be committed to objectivity, impartiality, professionalism and national responsibility. Anyone who violates these instructions shall be held accountable."

Source: <http://www.moi.gov.ps/?page=633167343250594025&Nid=1477>

Annex II

Press Release Published by the Ministry of Interior in Commentary of ICHR Claims



Press Release Published by Ministry of Interior in Commentary to ICHR Claims



In commentary to claims published by the Independent Commission for Human Rights (ICHR) concerning conditions of detainees with the Internal Security Service in Gaza, we affirm the following:

First: the positions of the Independent Commission (which is not independent) for Human Rights (ICHR) are partial positions. We are used to ICHR's double standards in addressing issues in the Gaza Strip and the West Bank. ICHR is always working against us and is never just.

Second: the Ministry accuses lawyer Jamil Sarhan who is the director of ICHR program in the Gaza Strip of having merely political and factional positions.

Third: This escalation by ICHR is based on security and political grounds, not on legal grounds. It serves parties that are hostile to the Palestinian government in Gaza and is made in order to attract attention to us and hide crimes committed daily in the West Bank. The last two crimes took place last week when Kamal Abu Tu'eima was killed during torture in prison belonging to the security services in the West Bank, and yesterday when Fadi Hamadna who was killed in the same conditions. ICHR did not pay attention to these crimes as that it paid today.

Further, ICHR did not hold a conference in the West Bank, where its main offices are located, to talk about claiming the lives of citizens. In the meanwhile, ICHR makes tragedies of stories and narratives that are a figment of imagination. We have never heard about ICHR positions from the detention of women, attacking PLC members' houses and offices, continued arrests implemented by the security services of Fayad and Abbas that arrested more than 1,000 citizens on merely political backgrounds.

Fourth: The Ministry stresses that the location of the prison is known. Recently, the International Committee of the Red Cross (ICRC) visited the prison twice. The last visit was last week. ICRC visited all the prisoners without exceptions. Also the Committee entered all the detention locations and the

rooms of the detainees without exception. ICRC had a look on the medical department and on alimentary and living conditions.

Fifth: There are other periodical visits made by other bodies, including the supervision committee of the Palestinian Legislative Council, Minister of Justice, the judiciary, the Interior Ministry's general supervisor, human rights bodies and media.

Sixth: the Internal Security Service and all the security services affiliated with us follow all the legal measures duly. The general prosecution also plays its role efficiently.

Seventh: the families of detainees always visit their children. Tomorrow, 20 detainees will be allowed to see their families. We allow visits according to the law, while in some cases we deny visits, in respect for humanitarian conditions, in cases allowed by the law. In some cases, detainees were even taken to visit their families in their houses.

Eighth: The Ministry stresses that its security services immediately release those who are not proven guilty. There are no signs on the bodies of released persons and they are not suffering psychological problems. This refutes ICHR claims.

Ninth: the Ministry is totally responsible for the lives of the detainees and affirms that there are no political prisoners. All those who were detained were arrested on security or criminal backgrounds in accordance with the law.

Ministry of Interior and National Security

<http://www.moi.gov/printDetails.aspx?nid=10961>

8 November 2009

Annex III

Press Release Published by the Ministry of Information in Response to ICHR Accusations



Press Release:

MOI Refutes ICHR Accusations Against the Palestinian Government and Examines Imposing Ban on ICHR

The Independent Commission for Human Rights (ICHR) made many accusations against the Palestinian government presided by Mr. Ismail Haneya and namely against the Internal Security Service affiliated with the Ministry of Interior, in a seminar held by ICHR on Thursday, 11 August 2009. ICHR accused the Palestinian government and the Internal Security Service of torturing what ICHR call the “detainees”. Besides, ICHR made other offending accusations that aim at tarnishing the image of the government.

In response to these accusations, the Ministry of Information (MOI) would stress the following:

1. MOI strongly condemns these random accusations made by ICHR. MOI demands that ICHR rescinds these illogical and unrealistic accusations.
2. MOI calls upon the Ministry of Interior to check with ICHR regarding these accusations that offend the Palestinian government and to take legal actions against ICHR, especially after the publication of unrealistic accusations.
3. MOI affirms that these accusations reflect unaware mentality of some ICHR leaders. MOI notes that these accusations offend ICHR more than any other bodies.
4. MOI disapproves these accusations in view of other concurrent statements by other human rights organizations that praise the positive human rights condition in Gaza. MOI has concerns that these accusations are made based on personal or factional whims that have nothing to do with objective and impartial human rights work.
5. MOI has grave concerns over ICHR negligence of many willful and systematic killing in the prisons of the security services in the West Bank. ICHR does not clearly and explicitly document torture practices and human rights violations committed in the West Bank. MOI notes that ICHR positions in this regard are weak. MOI has concerns that such negligence is based on personal mutual interests or motivated by fears of measures to be taken against ICHR in the West Bank.
6. MOI expresses its concerns over adopting the policy of looking in one eye to the complicated Palestinian situation. The Ministry stresses the necessity to work impartially and not to maximize minor events and minimize crimes and violations that prejudice human rights.

7. MOI is studying imposing ban on ICHR because ICHR proved in more than one position that it is not independent and does not operate impartially in many conditions.
8. MOI calls upon ICHR to return to in order human rights work in accordance with a systematic legal vision. The Ministry warns ICHR and other organizations of losing the legal track in addressing the Palestinian reality. Losing this track affects these organizations and manipulate the public opinion. This in turn requires taking necessary action in order to protect the Palestinian citizens who are originally targeted by the Israeli occupation and by others.

Ministry of Information - Governmental Press Information Bureau
Gaza – Palestine
Wednesday, 12 August 2009

Source: http://www.gmo.ps/ar/?page=news_det&id=848

Annex IV

Press Release Published by MOI on Prevention of Media Coverage of Rafah Incidents

Palestinian National Authority
Ministry of Information
The Governmental Information office

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



السلطة الوطنية الفلسطينية
وزارة الإعلام
المكتب الإعلامي الحكومي

Press Released Published by MOI

Preventing Mass Media from Covering Incidents in Rafah is Aimed at Protecting Journalists' Lives and Respecting People's Feelings

Some institutions who claim they are defending information freedoms made distorting critiques on incidents that took place in Rafah, south of the Gaza Strip. These institutions expressed their concern over preventing journalists, by the Palestinian government in Gaza, from covering and filming incidents in the scene.

In view of this, the Palestinian Ministry of Information (MOI) reiterates the following:

1. The Palestinian government was concerned of informing all the mass media institution of its decision to prevent filming in the incidents scene in Rafah in order to respect the feelings of the Palestinian civilians.
2. The government had already notified the media institutions of not approaching the incidents scene in order to protect the lives of journalists.
3. Bu this positive conduct, the government protected the society against exploitation by some mass media institutions that work for regional and international agendas against the Palestinian people and against their interests.
4. MOI appreciates the great and brave position of many Palestinian institutions on the mentioned incidents. These institutions required all to be committed to instructions of the government in Gaza.
5. MOI express its strong disapproval breaking the silence by media institutions, that work in the West Bank and that keep silence vis-à-vis the situation in the West Bank, to talk about the situation in the Gaza Strip. They talked about things that they do not know. They style was almost politically motivated and supportive to the siege. Their attack is not justified and is aimed to deform the image. We stress that we welcome objective criticism and we are ready to correct some mistakes, if any provided this criticism is made with a sound, sincere and realistic language. It should be noted that these institutions completely ignore real massacres committed against the press in the West Bank.

6. MOI calls upon all the media institutions that respect themselves to work partially in a way that ensures the objectiveness of their reports and statements. MOI stress that politically motivated statements and reports undermine these institutions.

Ministry of Information - Governmental Press Information Bureau
Gaza – Palestine
Tuesday, 18 August 2009

http://www.gmo.ps/ar/?page=news_det&id=897

Annex V

Decision of the Minister of Information on Temporary Suspension of al-Jazeera Channel



Palestinian National Authority
Ministry of Information

Decision of the Minister of Information on Temporary Suspension of al-Jazeera Channel

In accordance with the powers legally afforded to us,
Having Reviewed Law No. 9 of 1995 Concerning Press and Publications,
Having reviewed regulations no. (15/10/M.W/A.Q) on Licensing Radios, TVs and Satellite Channels,
especially articles 8 and 15,
And based on the requirements of the higher interests of the Arab Palestinian people, we have decided
the following:

Article 1

Work in al-Jazeera Satellite Channel offices in Palestine shall be suspended; thus, its teams are banned
from any work pending a final judicial ruling in this regard.

Article 2

Any thing that may contradict with this decision shall be cancelled, and all concerned have to apply its
provisions, each according to its field of specialization. This decision shall enter into force on the day it
is issued.

Issued in Ramallah on 15 July 2009

A handwritten signature in black ink, appearing to be 'S. Fayad'.

Salam Fayad
Prime Minister
Acting Minister of Information

Annex VI

Letter from the Chief of police in Ramallah and al-Bireh Governorate to the Director of the Office of al-Jazeera Satellite Channel



To the attention of Mr. Walid al-'Umari
Director of the Office of al-Jazeera Satellite Channel

**Re: Decision of the Minister of Information on Temporary Suspension of al-Jazeera Channel**

- We kindly inform you that according to the decision issued by Palestinian Prime Minister and Acting Minister of Information on 15 July 2009, it has been decided to suspend work in al-Jazeera Satellite Channel's offices in Palestine; thus, its teams are banned from any work pending a final judicial ruling in this regard.
- In case the decision is violated, you shall be held legally accountable

Colonel Munir Telbani
Chief of police in Ramallah and al-Bireh Governorate



Annex VII

Press Release Published by the Ministry of Information Requiring Obtaining Permissions for Organizing Documentary Films Festivals



Press Release

It was recently noted that media institutions in the Gaza were preparing to organize documentary film festivals nearly in the same time and with the same content. Thus, we, in the Ministry of Information, decided that it is our duty to organize this process

Accordingly, we cordially require media companies, institutions and centers to check with the Ministry of Information in order to get permission necessary for the organizations of documentary film festivals within one week maximum starting from the date of this press release.

Ministry of Information - Governmental Press Information Bureau
Gaza – Palestine
Thursday, 10 September 2009

http://www.gmo.ps/ar/?page=news_det&id=1121