



# Amnesty International Report 2017/18 - Palestine (State of)

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## State of Palestine

Head of state: **Mahmoud Abbas**

Head of government: **Rami Hamdallah**

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip escalated their restrictions on freedom of expression. In both areas, security forces tortured and otherwise ill-treated detainees with impunity. The authorities in the West Bank took punitive actions against the Hamas administration that further restricted the civilian population's access to vital services, exacerbating the humanitarian crisis resulting from Israel's military blockade of Gaza. Women in both areas continued to face discrimination and violence. Courts in Gaza handed down death sentences and Hamas carried out public executions; no executions were carried out in the West Bank.

## BACKGROUND

Gaza remained under an Israeli air, sea and land blockade, in force since June 2007. Continuing restrictions on exports crippled the economy and exacerbated widespread impoverishment among Gaza's 2 million inhabitants. Egypt continued to enforce an almost total closure of the Rafah border crossing with Gaza, compounding the impact of the Israeli blockade.

Divisions between the Ramallah-based "national consensus" government and the Hamas de facto administration in Gaza persisted for much of the year. In an apparent effort to regain control of the Gaza Strip, the Palestinian authorities introduced a series of punitive measures against Hamas, which remained in place at the end of the year.

In October, the "national consensus" government held a cabinet meeting in Gaza, mediated by the Egyptian authorities, after Hamas announced its readiness to dismantle its committee administering Gaza, and called for legislative and presidential elections to be held in the West Bank and Gaza. Later that month, the two rival political parties Hamas and Fatah signed a reconciliation agreement in Cairo, Egypt, aimed at ending the decade-long split between the West Bank

and Hamas-run Gaza. In November, the "national consensus" government took over control of the border crossing between Gaza and Egypt, and checkpoints near crossings with Israel.

## **FREEDOMS OF EXPRESSION AND ASSEMBLY**

As political in-fighting continued, authorities in the West Bank and Gaza used threats and intimidation against activists and journalists to suppress peaceful expression, including reporting and criticism. According to the NGO Palestinian Centre for Development and Media Freedoms, the Palestinian authorities in the West Bank were responsible for 147 attacks on media freedom during the year. These included arbitrary arrests, ill-treatment during interrogations, confiscation of equipment, physical assaults, bans on reporting and the banning of 29 websites critical of the West Bank authorities. Hamas authorities in Gaza were responsible for 35 such attacks.

In January, security forces in Gaza violently dispersed a protest in Jabalia refugee camp against Hamas' mismanagement of the electricity crisis (see below). Activists and organizers were detained, threatened and in some cases tortured for organizing the demonstrations. Activist Mohammad al-Talowli was arrested on three occasions throughout the year for his role in organizing the protests, and received death threats.

Journalists working with media affiliated with the West Bank authorities were barred from working freely in Gaza. Palestine TV correspondent Fouad Jaradeh was arrested by Hamas Internal Security Forces on 6 June and tried before a military court for "collaborating with Ramallah". He was released in August.

The Electronic Crimes Law (Law 16 of 2017) was adopted in July. It permitted the arbitrary detention of journalists, whistle-blowers and others who criticize the authorities online. The law allowed for prison sentences and up to 25 years' hard labour for anyone deemed to have disturbed "public order", "national unity" or "social peace". An amended draft proposed removing several repressive provisions, but left in place others that allowed arbitrary restrictions on the rights to freedom of expression, privacy and protection of data. The draft had not been made public by the end of the year.

Six Palestinian journalists were charged under the Electronic Crimes Law in August. In June and July, at least 10 journalists were summoned for interrogation by Preventative Security Forces for publicly criticizing the law. Human rights defenders were subjected to interrogation, harassment and threats in relation to their human rights work, including criticism of the Electronic Crimes Law.

Prominent human rights defender Issa Amro was detained for a week in September and charged with several offences under the Electronic Crimes Law and the 1960 Jordanian Penal code, which remained in force in the West Bank.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment of detainees remained common and was committed with impunity by Palestinian police and security forces in the West Bank, and by Hamas police and security forces in Gaza. The Independent Commission for Human Rights (ICHR), Palestine's national human rights institution, received hundreds of allegations of torture and other ill-treatment of detainees held in the West Bank and Gaza.

In September, a 16-year-old boy and another detainee died in unclear circumstances in Hamas-controlled detention centres in Gaza City. The Public Prosecution in Gaza announced that it would carry out an investigation; this had not been concluded by the end of the year.

At least one activist detained in relation to his role leading the protests against Hamas' mismanagement of the electricity crisis said that Hamas' internal security forces tortured him in custody. He reported being beaten with a plastic pipe, blindfolded, and forced to sit in strenuous positions with his hands cuffed for around four days. Others reported ill-treatment.

## **EXCESSIVE USE OF FORCE**

Security forces used excessive force to disperse protests in the West Bank and Gaza.

On 12 March, Palestinian security forces used excessive force to violently suppress a peaceful protest outside the Ramallah District Court in the West Bank. At least 13 men and eight women were injured; among them were four journalists covering the protest. Seventeen people were hospitalized. Those injured suffered bruises from heavy beatings with wooden batons or after being struck by tear gas canisters. Farid al-Atrash, a lawyer, human rights

defender and the head of ICHR's Bethlehem office, reported being beaten to the ground by police using wooden batons.

A Fact-Finding Commission established by Prime Minister Hamdallah to investigate the incident found that the use of force to disperse the protest violated government regulations. It made a series of recommendations, including reparation and accountability measures. Despite the Prime Minister's stated commitment to uphold the recommendations, these remained unimplemented, and none of the officers responsible for the violence were brought to justice.

## **WOMEN'S RIGHTS**

Women and girls continued to face discrimination in law and in practice, and were inadequately protected against sexual and other gender-based violence, including so-called "honour" killings. At least 28 women and girls were reported to have been killed by male relatives in "honour" killings, according to civil society.

Under provisions of the Jordanian Penal Code, judges were able to use stereotypes of women's sexuality to justify minimizing the sentences of those convicted of "honour" killings.

Article 308 of the Jordanian Penal Code, which allows for those who commit rape or sexual assault to escape punishment by marrying the victim, remained in force.

More than three years after the State of Palestine acceded to CEDAW, national legislation had not been amended in line with CEDAW. The applicable Jordanian Personal Status law continued to discriminate against women with regard to marriage, inheritance, divorce, guardianship and property rights.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

The Palestinian government based in Ramallah imposed several punitive measures against Gaza in a bid to pressure the Hamas administration to give up control of Gaza. These measures impeded the civilian population's access to medical care, essential services including water and electricity, and education. This contributed to violations of the rights to health, an adequate standard of living, and education.

In May, the West Bank authorities informed Israel that they would cover only 70% of the monthly cost of Israeli electricity supplies to Gaza due to Hamas' failure to reimburse them. As a result, access to electricity in Gaza was reduced from an average of eight hours per day to between two to four hours per day.

The West Bank authorities cut the salaries of some 60,000 civil servants in Gaza by 30%, undermining their right to an adequate standard of living and prompting mass protests.

According to the UN Office for the Co-ordination of Humanitarian Affairs, in March the West Bank authorities suspended the payments for transfers of people in need of medical treatment outside Gaza, delaying the referrals of some 1,400 patients. NGOs reported that procedural delays resulted in the deaths of several patients, including babies. The UN reported delays in the transfer of essential medicines and medical supplies to hospitals in Gaza, affecting patients' long-term health. Hamas authorities reported a shortage of baby formula, blaming West Bank authorities.

## **DEATH PENALTY**

The death penalty was applied in Gaza. Six people were executed after civil and military courts sentenced them to death after convicting them of "collaboration with Israel" or other offences.

In May, Hamas executed three men in Gaza for allegedly assassinating a senior Hamas commander. They were sentenced to death in a trial that lasted one week and consisted of four brief sessions only. The sentences were carried out in a public square in Gaza City; two men were hanged and one executed by firing squad. The executions were shown live on social media.

No one was sentenced to death or executed in the West Bank.

## **IMPUNITY**

Impunity for human rights abuses including unlawful killings and torture in the West Bank and Gaza persisted. No

criminal investigations were launched into the apparent extrajudicial executions of Fares Halawa and Khaled al-Aghbar by Palestinian security forces in Nablus in August 2016, nor was anyone brought to justice for the death of Ahmad Izzat Halawa under torture in Jneid prison in the same month.

In Gaza, Hamas authorities took no steps to prosecute members of its forces and Hamas' military wing, the 'Izz al-Din al-Qassam Brigades, for extrajudicial executions they carried out in 2014 and 2016.

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