



Palestinian Centre for Human Rights (PCHR)  
المركز الفلسطيني لحقوق الإنسان

# RIGHT TO PEACEFUL ASSEMBLY UNDER THE PALESTINIAN NATIONAL AUTHORITY



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## Introduction

The right to peaceful assembly means the ability of a group of individuals to meet at any time in public or private place to practice any legitimate activity, providing that protesters express their peaceful intentions behind this activity. The right to peaceful assembly includes the preparation, implementation and participation in it. The peaceful assembly also covers festivals, protests, strikes, demonstrations, seminars, conferences and other forms of assemblies.

The international community gave great attention to human rights, which were stressed and stipulated in all human rights conventions at the regional or International levels. As the right to peaceful assembly is of great importance within these rights, all international instruments guaranteed exercising this right in any democratic society as it is closely associated with other human rights, such as the right to freedom of expression and the right to form associations. These instruments also stressed the right's importance in establishing a democratic regime based on justice, equality and the rule of Law.

In this context and since its establishment, the Palestinian Centre for Human rights (PCHR) gave great attention to civil and political rights and encouraged the democratic transformation process in the Palestinian Authority (PA). During the last years, PCHR's Democratic Development Unit (DDU) has contributed to developing measurable indicators for the democratic transformation process in the PA as part of its contribution in establishing a democratic regime where citizens enjoy all their rights stipulated by the international standards and conventions and through the separation of powers, rule of Law and political participation.

The right to peaceful assembly is considered, among other rights, an indicator to measure the PA's respect for human rights according to the International standards and conventions. Moreover, the right to peaceful assembly has great importance in guaranteeing the effective political participation and freedom of expression in public issues concerning the public to establish a democratic regime. In this regard, DDU has worked for years on issuing periodic reports documenting the human rights violations related to the right to peaceful assembly in the PA's controlled areas<sup>1</sup>.

This report addresses the status of the right to peaceful assembly under the PA during the period from July 2014 to October 2015<sup>2</sup>.

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1. To review the series of reports «The Right to Freedom of Expression and Peaceful Assembly in the PA», see PCHR's website of ([www.pchrgaza.org](http://www.pchrgaza.org)).

2. PCHR used to issue a periodic report on the status of the right to freedom of expression and the right to peaceful assembly under the PA. However, since 2012, PCHR divided the report into two individual reports the first one is about the right to freedom of expression, and the second is about the right to peaceful assembly, each in a single report.

The report covers the period following the formation of the National Unity Government on 2 June 2014, after al-Shati' Agreement signed on 23 April 2014. Although the first half of 2014 witnessed a positive atmosphere accompanied with al-Shati' reconciliation agreement signed by Hamas and Fatah Movements on 23 April 2014 to form a National Unity Government on 02 June 2014, there was no practical application on the ground. The West bank sooner witnessed violations of the right to peaceful assembly, particularly the demonstrations protesting against the Israeli offensive on the Gaza Strip, but were suppressed by the PA security services. Those violations repeated in both the West Bank and the Gaza Strip and were culminated in the Gaza Strip when the security services banned the commemoration of late President Yasser Arafat on 11 November and commemoration of the 50<sup>th</sup> anniversary of Fatah Movement. On the other hand, the security forces in the West bank banned a festival to commemorate the 20<sup>th</sup> anniversary of Hamas Movement.

This report includes two main parts. The first one addresses the legal framework of the right to peaceful assembly, the conformity between this right and international standards and any updates on the legal structure to practice the right to peaceful assembly. The second part sheds light on the reality of the right to peaceful assembly in the PA controlled areas and clarifies the tightened restrictions imposed before this right. The second part also monitors the violations and attacks that PCHR was able to document in the PA controlled areas. At the end, this report concludes to a number of recommendations, which will promote the exercise of the right to peaceful assembly to exert all efforts to establish a democratic regime in the PA controlled areas.

# Part One:

## Legal Framework of the Right to Peaceful Assembly

### First:

#### **Right to Peaceful Assembly in International and Regional Human Rights Treaties:**

The international human rights treaties guarantee the right to peaceful assembly as one of the basic human rights in a democratic society, considering it as one of the individuals' and groups' civil and political rights to ensure establishing a pluralistic and tolerant society. These treaties obliged the states and authorities to protect this right, providing that the assembly should be peaceful and in public, whether the gatherings were fixed, mobile or held in public or private facilities. Moreover, these conventions stipulated that the State should provide the organizers with facilitations and not impose tightened restrictions. However, the state should develop adequate mechanisms to guarantee enjoying the right to peaceful assembly, without undergoing complex procedures that would impose restrictions on this right. Further, these conventions emphasized that each citizen should enjoy the right to peaceful assembly, and the state should not include legal provisions in its conventions that would discriminate between its citizens on political, ethnic or religious grounds and practice this discrimination on the ground.

#### **1. Universal Declaration of Human Rights**

The Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations (UN) in December 1948 is one of the most popular and important documents issued by the UN. This document is considered as a common standard of achievements for all peoples and nations. Its importance lies in being the first declaration of human rights issued by the largest organized international gathering in history. Dozens of conventions were derived from this document to define and promote each public principle stipulated in the declaration. Article 20 (1) of the Universal Declaration stipulated that: *"Everyone has the right to freedom of peaceful assembly and association."*

#### **2. International Covenant on Civil and Political Rights**

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN General Assembly of on December 1966 and came into force on March 1967. According to ICCPR, the civil and political rights stipulated in the Universal Declaration of Human Rights are legally binding.

Article 21 of the ICCPR provides, *"The right to 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 (order public), the protection of public health or morals or the protection of the rights and freedoms of others”*

### **3. Declaration of the Protection of Human Rights Defenders<sup>3</sup>**

This Universal Declaration included two Articles which explicitly ensure that individuals enjoy the right to peaceful assembly. Article 5 of the Declaration provides, “*For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at national and international levels, in: A - To meet or assemble peacefully; B - the formation of organizations or associations or groups and join and participate in them; C - contact with non-governmental or intergovernmental organizations.*” As for Article 12 of the Declaration stipulates, “*1 - Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. 2 - The State shall take all measures necessary to ensure that everyone has the protection of the competent authorities, individually and in association with others, against any violence, threats, retaliation or discrimination, de facto or legally, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in this announcement. 3 - In this connection, everyone is entitled, individually and in association with others, to be enjoyed in protected under national law effective in reacting against or opposing, through peaceful means, activities and acts of States, including those attributable to the omission, which lead to violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and freedoms.*”

## **Second:**

### **The Right to Peaceful Assembly in Palestinian Laws:**

The international treaties oblige the States Parties to embed the international standards of the right to peaceful assembly in their local laws or to guarantee harmony between its procedures and these standards. The treaties also oblige the States Parties to enact, interpret and apply local laws according to the recognized and approved provisions of the international treaties.

During the reporting period, there has been no change on the laws regulating this right in the PA controlled areas. The 2002 Amended Basic Law, Public Meetings Law No. 12 of 1998 and the 2000 Executive Regulations on the Public Meetings Law remained the constitutional and legal reference that regulates the exercise of this right. As this legal frame (the Basic Law and Public Meetings Law) provides special protection for the right to peaceful assembly, including the right to organize peaceful demonstrations and hold public meetings and other forms of the right

3. The declaration related to the right and responsibility of individuals, groups and society organizations to promote and protect fundamental human rights and freedoms universally recognized was adopted and proclaimed by a decision of the General Assembly No. 53/144 on 09 December 1998.

to peaceful assembly, the Executive Regulations violate the legal provisions as well as the rule of law. These Regulations granted the executive authority more powers, which are not stipulated by law and turned the right to grant, by which the authority may prevent or impose restrictions on it. Despite this, dealing with this right on the ground is worse than the Regulations itself whether in the West Bank or the Gaza Strip.

### **1. Palestinian Basic Law**

The 2003 Amended Palestinian Basic Law considered the right to peaceful assembly as one of civilians' public rights and freedoms in the PA controlled areas. In particular, according to Article 26 this law stresses that the right to peaceful assembly is one of the political participation forms constitutionally ensured for individuals and groups in the occupied Palestinian territory (oPt). the Article stipulates, *"Palestinians shall have the right to participate in political life, both individually and in groups. They shall have the following rights in particular:...5) To conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law."*

### **2. The Public Meetings Law No. (12) of 1998:**

The Public Meetings Law is comprised of nine Articles in harmony with the intentional human rights treaties, enhancing the principles of democracy in the Palestinian society. These articles guaranteed civilian's right to hold freely public meetings and provided it with special protection. For example, Article (2) of the Law provides, *"Citizens shall have the right to hold public meetings, gatherings, and processions, which shall not be infringed upon or restricted, except pursuant to the provisions of this law."* The law defined the public meeting in Article (2) as, *"Every meeting where 50 persons at least are invited to in a public area, including public squares, playgrounds, and parks and so on."* According to this definition, it is obvious that:

Each meeting where less than 50 persons participate in a public place or more than 50 in a closed place, including halls, is not considered public meetings but private meetings that should be conducted without the intervention of the police or any official state authorities, in accordance with Article 26 (5) of PBL. This law also applies to seminars, workshops, special events and weddings.

Considering the controls mentioned in Article (2), they are limited by Article 4(G) regarding the traffic regulation. This Article provides, *"The Governor or the Chief Police have the power, without prejudice to the right to assemble, to enforce controls on the duration or course of the meeting provided for in Article (3) in order to regulate traffic provided that the organizers are informed of these controls after 24 hours at most from the date of submission of the notice"*.

The Law obliged the organizing party to submit a written notice to the governor or the chief officer at least 48 hours before the date it will be held, as Article (3) provides, *"Public assemblies are permitted provided that a written notification is sent to the Governor or Chief Police at least 48 hours in advance of the meeting"*. Within the



abovementioned written notice and to ensure the principle of freedom, the Law sets forth that in case the organizing party does not receive any written answer, which includes controls relevant to traffic regulation, the organizing party has the right to hold the public meeting on the same date mentioned in the notice. This came according to Article 4 (D) that stipulates the following, *"In case the organizing party has not received any written answers as stipulated in the previous paragraph, the organizing party has the right to convene the public meeting in the date specified in the notice."*

This law stresses the principle of the right to freely hold public meetings in addition to ensuring that participants enjoy a special protection demanded by the organizing parties from the competent parties without affecting the freedom of the participants. Article (5) states that: *"competent parties, upon request of the party organizing the meeting, shall take the required protection measures with no prejudice to the right of the participants in or process of the meeting."* In the context of implementing this law, Article (7) of the public assembly's law gave authority to the Interior Minister to issue required regulations and resolutions to execute his provisions.

### **3. Executive Regulation of the Public Meetings Law (12) of 1998**

The late Palestinian President Yasser Arafat, in his capacity as the Interior Minister, issued the Executive Regulation of the Public Meetings Law No. (12) of 1998 on 30 April 2000 according to Article (7) of the law. This Regulation imposes many restrictions on practicing the right to peaceful assembly and violates the democratic approach adopted by the Palestinian Authority in the PBL and Public Meetings Law.

PCHR recognized that restrictions embedded within the articles and imposed on the exercise of the right to peaceful assembly (public meetings) are in violation of the law itself. The most prominent restrictions were as follows:

First: Giving the official authorities the right to disperse and end meetings according to the Police estimation. Article (6) of the Regulation sets forth that *"the police has the right to terminate any meeting if the police estimated that the meeting was far from its targets."*

Second: although the Presidential Decree No. 3 of 1998 on enhancing national unity and preventing incitement<sup>4</sup> of the Basic Law violates the core of PBL and has loose and controversial terms such as *"incitement to racial discrimination and violence ... and crowd manipulation to change using illegitimate force or sedition . . ."*, the Executive Regulation gives this decree space in its provisions, in order to restrict exercising the right to peaceful assembly. Article (9) of the Regulation sets forth that: *"The organizers of the meeting or demonstration must take into account the provisions of Presidential Decree No. 3 of 1998 on enhancing the national unity and preventing incitement."*

4. This decree was issued in the context of negotiations between the PA and Israel in "Why Plantation" Resort in the USA sponsored by the USA on November 1998. It was obvious that this agreement was established to impose tightened restrictions that would confiscate the basic rights.

## Third:

### **Article (11) of the Regulation states that:”**

Police’s response to the notice mentioned in Article 1 of this regulation is on the form of license written according to a formula determined by the Police Chief to be handed to the applicant.» . According to this Article, the reason behind notifying the governor or the Police Chief of the meeting organizers’ intention is to obtain a license from the Police Chief in addition to waiting for the approval. Moreover, the Police Chief has the right to decide the topic of the meeting or aim of the protest.

This Regulation was issued following the Palestinian Police Chief’s decision on 29 February 2000 that was published in the Palestinian newspapers to prevent holding public meetings without obtaining a prior permission from the Police Chief. At that time, PCHR strongly criticized that decision, considering it as a flagrant violation of the Public Meetings Law in context and spirit. On 29 April 2000, after PCHR’s discussions with political factions and civil society organizations and as representative of them, PCHR filed a challenge before the Supreme Court of Justice; emphasizing the abovementioned declaration is illegal. On 29 April 2000, the Supreme Court of Justice issued a decision to suspend temporarily the abovementioned declaration until a definitive decision is issued by the abovementioned court. However, Late President Yasser Arafat, in his capacity as an Interior Minister at that time, issued the Executive Regulation of the Public Meetings Law on 30 April 2000, i.e. only one day after the court’s decision.

PCHR has sought to urge the Palestinian government to abolish the Executive Regulation or amend it in order to ensure total harmony with the law provisions and respect the right to peaceful assembly. Following the legislative elections on January 2006 when Hamas won the majority of seats and formed a Palestinian government, PCHR sent a letter on 1 November 2006 to the Interior Minister Sa’id Siyam, urging him to use his power to abolish the Executive Regulation of the Public Meetings Law No. (12) of 1998 or amend it to be convenient with the law. However, the regulation is so far into force.

In this context, PCHR reiterates its call upon the Unity Government to cancel the Executive Regulation or amend it to be convenient with the provisions of the Public Meeting Law No. (12) of 1998.

## Second Part: Violations of the Right to Peaceful Assembly in the Palestinian Authority

The restrictions imposed on the right to peaceful assembly, particularly since the division, resulted in a general decline in using the peaceful assembly as a tool of expression, protest or seeking to influence public policies. This specially applies to demonstrations and sit-in.

In the Gaza Strip, PCHR documented dozens of peaceful protests against the Israeli practices. Most of those protests were organized by Hamas Movement that is in control of the Gaza Strip without any restrictions. In some cases, demonstrations and protests were organized by other political movements or civil society organizations amidst Security services' tolerance.

In the West Bank, there was an obvious tolerance with demonstrations organized by Fatah Movement that controls the West Bank in support of the President. For example, different areas in the West Bank witnessed demonstrations in solidarity with the Palestinian President following the declaration of the State while the protests organized against the Israeli violations were suppressed.

As for the protests organized against the ruling authority either in the Gaza Strip or in the West Bank, they significantly declined and if organized they were suppressed or prevented.

During the reporting period, the state of the right to peaceful assembly witnessed a continuous decline within the PA, despite the positive atmosphere resulted from signing the reconciliation agreement (al-Shati' agreement) on 23 April 2014, formation of the Palestinian National Unity Government on 02 June 2014 and the subsequent steps that indicated the beginning of a new period to promote public freedoms.

During the reporting period, Palestinian security services in the Gaza Strip and West Bank continued their violations against the right to peaceful assembly, including imposing precautionary measures to prevent or restrict the organization of peaceful assemblies. The official restrictions exceeded to affect private meetings, which do not fall under the umbrella of Public Meetings Law No. 12 of 1998 and do not require notifying the police or governor such as seminars , parties or conferences supposed to be held in closed places though The Palestinian Basic Law guarantees holding them without the intervention of the police. violations of the right to peaceful assembly decreased within the PA in the West Bank and the Gaza Strip in the period before signing al-Shati' agreement on April 2014 as PCHR documented a limited number of such cases in the West Bank and the Gaza Strip and even in the period following the formation of the National Unity Government and until the beginning of the Israeli offensive on the Gaza

Strip on 8 July 2014. However, those violations escalated as different areas in the West Bank witnessed a wave of protests against the Israeli offensive on the Gaza Strip and were met with suppression by the Palestinian security services.

## Violations of the Right to Peaceful Assembly in the Gaza Strip

During the reporting period, Palestinian security services continued their violations of the right to peaceful assembly in the Gaza Strip. They suppressed and dispersed some of these assemblies, especially those protests organized against the government. Meanwhile, others were dispersed without violence. Moreover, the security services banned holding public festivals and celebrations and refused to give them approval although the organizers followed all the legal procedures required in these cases. Violations exceeded to affect private meetings that do not fall under public meetings which require notifying the official parties according to the law such as seminars, celebrations or conferences scheduled to be held in closed places. It was notable as well that many owners of halls, hotels and restaurants refused to lease these places for proposed activities for fear of police accountability and prosecution<sup>5</sup>.

**The most prominent violations in the Gaza Strip were as follow:**

### First: Dispersing Assemblies

During the reporting period, PCHR documented the Palestinian security services dispersed peaceful assemblies held in many areas in the Gaza Strip. Some of those were forcibly dispersed by security services while others were dispersed without force.

1. On 08 June 2104, police officers dispersed an assembly of 50 Fatah activists near a house belonging to 'Odah Abu Shabab, who is a Fatah activist, in al-Sha-bourah refugee camp in Rafah City in the southern Gaza Strip. They protested against arresting him by the Internal Security Service on 03 June 2014.
2. On 12 June 2014, the Palestinian police dispersed an assembly of 50 activists affiliated with Islamic Salafi Movement near al-'Awdah Square in Rafah City, south of the Gaza Strip. Dozens of Salafi activists gathered at al-'Awdah Square and distributed sweets in celebration of Islamic armed groups' taking over some Iraqi cities.
3. On 15 of June 2014, National Security officers used force to disperse a peaceful protest, east of Gaza city on the 66<sup>th</sup> anniversary of the Palestinian *Nakbah*. The protest, which was organized by the Palestinian Intifada Youth Coalition, marched from Baghdad Street in al- Shuja'iyah neighborhood, east of the city to the eastern borders titled "al-'Awdah Day". The police forces beat the partici-

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5. PCHR previously canceled an activity scheduled to be held in its office in Khan Yonis in 2008 in solidarity with the prisoners in the Israeli jails in commemoration of the Palestinian Prisoners Day. The police refused holding that activity unless there was a written notification from the police. It should be noted that such acts recurs in many events in the Gaza Strip.

pants with sticks and clubs to disperse them and force them to leave. They also attacked and beat 4 journalists who were covering the protest.

4. Following the threatening messages and explosions occurred in front of Fatah Leaders' houses in the Gaza Strip before the day fixed to hold a festival in commemoration of the 10<sup>th</sup> anniversary of late Palestinian President Yasser Arafat's death on 11 November 2014, Fatah activists organized protests throughout the Gaza Strip to condemn the explosions and threats, calling for revealing those responsible. However, Palestinian security services in Gaza suppressed those protests. According to some protesters, security officers used force to disperse the protests and arrested some of them. The following are testimonies about the assaults and arrests of the protesters while practicing their right to peaceful assembly:

- On 07 November 2014, about 200 Fatah supporters marched from al-Nusairat refugee camp, condemning the explosions in front of houses and vehicles of Fatah Members in Gaza city and northern Gaza. The assembly headed to Salah Eiden Main Street at the entrance to al-Nusairat and al-Buraij. The Palestinian police dispersed a number of them by force. As a result, 9 of the participants were wounded and the police arrested a number of them and took them to Abu 'Areiban police center in al-Nusairat refugee camp and released them after an hour of detention. Mohammed Shaban Mohammed Hamad (33), one of the participants, said, *"At approximately 17:30 on Friday, 07 November 2014, I went to the market where I saw about 200 persons gathered heading to Salah Eiden Street and chanting slogans. The assembly reached Salah Eiden Street and headed to al-Buraij refugee camp when we heard the police vehicles' siren. Therefore, participants started to disperse. Three police vehicles arrived and special police officers got off and immediately started beating participants. They hit me on my head and shoulder until I fainted. I walked up to find myself in al-Nusairat clinic and then was transferred to al-Aqsa Hospital in Deir al-Balah. I was x-rayed, treated and left the hospital."*

Another civilian's statement about the suppression of the security services was as follow:

*"When I was in a demonstration for Fatah Movement to commemorate the death of the Palestinian President Yasser Arafat and condemn explosions in houses and vehicles of Fatah members. The demonstrators arrived at Salah Eiden Street and tried to enter Al-Buraij refugee camp. At that time, 3 Police cars arrived and policemen dispersed the demonstration and attacked the participants with clubs. The assembly was dispersed and my friends and I returned to al-Zohour pharmacy crossroad in al-Nusairat, where a number of policemen were stationed. I had a chat with a policeman, whom I know very well, namely as Wajdi Abu Lailah (21) about dispersing the demonstration. Another policeman then came and tried to beat me using a stick, but I held it and told him not to hit me. Special police officers then saw me, so they started beating me. They then took me in a jeep to Abu 'Areiban police station in al-Nusairat where they detained me for an hour and then released me."*

5. On 23 March 2015, the police in Gaza beat a number of civilians and arrested others during a spontaneous demonstration that came out from Khuza'a village, east of Khan Yunis, south of the Gaza Strip, to demand a solution for the prolonged power outage in the area. At approximately 17:30 on the same day, dozens of civilians from Khuza'a village, east of Khan Yunis in the southern Gaza Strip, gathered in the village streets in protest against the prolonged hours of power outage. The number of demonstrators increased to hundreds, and young men set fire to tires. Four police vehicles then arrived at the area, and police officers got out in an attempt to disperse the demonstrators. The Palestinian police officers chased the demonstrators and severely beat them. Meanwhile, some demonstrators threw stones at the police officers. Attacks by the police resulted in injuring some of the demonstrators. Three civilians were taken to Nasser Hospital in Khan Yunis to receive medical treatment. Of the civilians who were attacked was a pregnant woman, 'Azzah Yousif 'Abdel Rahman al-Najjar (23) as she was beaten with a stick and pushed to the ground until she lost consciousness. Moreover, her husband, who has a physical disability, was also beaten. Jihan Wasfi Hamdan al-Najjar sustained bruises as she was beaten when she was in the caravan she lives in. The police also arrested at least six civilians, including a child, identified as follows: Ashraf Khalil Hamdan al-Najjar (44), Nedat 'Adel Mohammed Qudeih (25), Ahmed Mohammed Hussein al-Najjar (30), Ayman Mohammed Hussein al-Najjar (22), Yamen Shawqi Hamdan al-Najjar (14) and Mohammed Khaled Ibrahim al-Najjar (25).

It should be mentioned that most of the demonstrators, who were attacked, live in caravans allocated by the Ministry of Public Works to shelter civilians whose houses were destroyed during the latest Israeli offensive on the Gaza Strip. Residents of the area said that electricity does not reach the caravans, so they were forced to extend power directly from the public power line. They also said the power outage schedule applies on them like the other residents of the village. However, they refused that saying that like it is not enough that we lost our houses. Meanwhile, sources from the power plant said that outage happened due to excessive electrical loads. On 12 September 2015, Palestinian security officers prevented hundreds of outraged civilians due to the aggravation of the power crisis from reaching the office of the Gaza Electricity Distribution Company near al-Shuhada Squar (previously known as al-Nijmah Square) in Rafah. Furthermore, officers of the Internal Security Service officers prevented a group of journalists from covering the protest. They also chased the journalists and confiscated some of their equipment. Mahmoud Marwan al-Masri (25), a reporter of al-Hayat press agency, said that security officers seized his Mitsubishi car, camera (Canon) and mobile when he was filming the protest.

The camera was returned to him after the data on its memory was deleted. In addition, he took his car back after some journalists intervened. Emad Kamel Yousef (20), a sports reporter at Amwaj radio, said that security officers confiscated his video camera memory when he was filming the protest.

6. On 13 September 2015, dozens of youngsters in Tal al-Sultan neighborhood, west of Rafah, participated in a protest against the prolonged hours of power outage. A car belonging to al-Qassam Brigades was passing by the protest organized in al-Nozhah (al-Nus) Street, so the protestors threw stones and empty bottles at them. A member of the Qassam Brigades then fired bullets from his pistol in the air, and four others chased persons who were present in the street. The members beat up Hassan Salah Abu Shawareb (17), and when his neighbor, Majd Bassam Abu Shammalah (21), attempted to prevent them, both of them were detained in al-Qassam Brigades' car. They were then taken to a training site belonging to al-Qassam Brigades in Tal al-Sultan neighborhood, but were released after short time when Mohammed Abu Shawareb, Hasan's brother, intervened. Later, the Palestinian police arrived and the protestors dispersed. M.G.Y (26) said that he was present there and was beaten up by a police officer with his gun butt. He added that his two brothers, A. (25) and Y. (20), were beaten as well when they tried to prevent the police from arresting him. Therefore, the three brothers were detained and taken to Tal al-Sultan police station. They were also beaten with batons inside the police station, but were released in the early morning after some people intervened.

## **Second: Banning Peaceful Assemblies**

### **Banning Commemoration of 50th anniversary of Fatah Movement**

The first of January marks the anniversary of Fatah Movement. Since the division in June 2007, the Palestinian security services in Gaza have banned holding activities and celebrations on this day, except when allowing Fatah activists to hold the 48<sup>th</sup> anniversary in 2012.

At the beginning of the year, Palestinian security services in the Gaza Strip banned Fatah movement from commemorating the 50<sup>th</sup> anniversary of its establishment throughout the Gaza Strip. They arrested a number of Fatah activists who celebrated on their own way in their houses or the streets such as raising flags and slogans, igniting fireworks and turning on national songs. On 04 and 05 January 2015, PCHR documented that the Internal Security Services summoned and questioned Fatah activists about their activities to commemorate the 48<sup>th</sup> anniversary of its establishment. Many of them were detained for long hours while others were interrogated. During this, the activists were subject to torture and degrading and inhuman treatment. They were also threatened and prevented from holding any activity on this occasion in throughout the Gaza Strip.

### **Third: Banning Private Meetings that do not Require Notification from Competent Authorities**

Although the Public Meetings Law No. (12) of 1998 defined the public meetings in Article1 (B): *"Any public meeting to which at least fifty (50) persons are invited in an*



*open and public place, including public squares, open places, playgrounds, parks and the like.*", the security services in Gaza took prior measures to prevent or dispersed private meetings that do not fall under the Public Meetings such as seminars, conferences and parties which are held in closed areas or in public areas where the number of participants did not exceed 50 persons. Most of these violations were as follows:

1. On 21 September 2014, the Palestinian police in Rafah prevented Filastiniyat Organization from holding a meeting titled, "Rule of Political Leaders during the Latest Israeli Offensive on the Gaza Strip" which was supposed to be held in Qasr al-Shawq Hall near al-Nejmah Square. The program included debates, which target students from 4 Palestinian universities; the Islamic University, al-Azhar University, al-Aqsa University and Polytechnic University. Mona Khader, Director of the Organization, said that General Intelligence officers banned the meeting after ordering the owner of the hall on Monday, 20 September 2014, to send a letter to the Palestinian police in Rafah before receiving an approval on holding the meeting. On the other hand, Filastiniyat normally held its activities in Gaza city without any restrictions from the Palestinian police.
2. On 24 January 2015, the Palestinian Internal Security Service prevented a public youth gathering from organizing a peaceful demonstration in front of the Palestinian Legislative Council (PLC) in Gaza city, coinciding with a similar one in the West Bank. Tareq Mousa Abdul 'Aziz al-Farra (28), a journalist at the British International News Agency, said that on 19 January, he headed to the Police Chief, Tayseer al-Batsh, and submitted a notice to organize a protest at 12:30 on 24 January 2015, in front of the PLC in Gaza city, on behalf of the Advocacy Committee in times of elections. The aforementioned committee is a popular youth coalition that is not affiliated with any faction and includes persons from the Gaza Strip and the West Bank, as such a protest was supposed to be organized at the same time in front of the PLC in Ramallah. The Chief promised to respond to the request within two days, but no answer was received. On the third day, al-Farra received a call from a person, who introduced himself as an officer from the Khan Yonis Criminal Investigation Service (CIS). He ordered him to refer to the CIS office after telling him that he will be given the permit to organize the protest on the appointed day. However, two hours later, an internal security officer called al-Farra and informed him not to hold the activity or he will be arrested. On the same day evening, Tareq received a call from the Police Chief office, warning him not to hold the activity. On Friday afternoon, 23 January 2015, after all efforts exerted to remove the ban failed, the organizers published the ban circumstances on social media and announced the cancellation of the activity. Moreover, they made a statement, explaining what was published on the social media and the circumstances and announced canceling the activity: "I went to the police office in Khan Yunis with a friend where they took personal my data and made me wait for an hour before transferring me with other detainees to the cell. At approximately 14:30



on Friday, 24 January 2015, I was transferred to the police investigation office, where they took my testimony about the reasons behind my detention. Furthermore, they forced me to sign an oath not to hold any activity and later released me.

#### **Fourth: Failure to Provide Protection of the Freedom of Assembly**

According to the international standards and domestic law, Authorities should facilitate and protect the right to freedom of assembly, including developing adequate mechanisms and procedures to guarantee enjoying this right. However, PCHR documented the Palestinian security services' failure in Gaza city to provide protection for organizers of a festival that was supposed to be held in Gaza city.

On 11 November 2017, Fatah Movement intended to celebrate the death anniversary of Late Palestinian President Yasser Arafat. Nevertheless, the threatening letters which many activists received only few days before the fixed date in addition to the several explosions occurred in front of houses of Fatah leaders in Gaza city and northern Gaza and blowing up an under construction platform, where the celebration was supposed to be held, prevented holding the festival and cancelled the celebration out of fear for the lives of the participants.

According to PCHR's documentation, on Friday morning, 07 November 2014, explosive devices detonated in front of houses belonging to a number of Fatah leaders and members. Threatening letters stamped with "the Islamic State" were found in the places of explosion, warning them not to leave their houses until 15 November. The explosions caused partial damages to the houses' doors and facades in addition to breaking some of their windows, but no injuries were reported. Another explosive device targeted a platform established in al-Katiba yard, west of Gaza city, in preparation for a central celebration that was supposed to be held on November to commemorate the 10<sup>th</sup> death anniversary of Late President Yasser Arafat. As a result, The explosion left partial damages to the platform.<sup>6</sup>

6. PCHR called upon the competent authorities in Gaza to open a serious investigation into these attacks, but no results were so far published.

## Violations of the Right to Peaceful Assembly in the West Bank

Palestinian security services in the West Bank continued to commit violations against civilians right to peaceful assembly, particularly those organized against their orientations. One of the most prominent violations was suppressing the protests in the West Bank against the Israeli offensive on the Gaza Strip.

The most prominent violations were as follow:

### **First: Dispersing Assemblies**

1. On 09 June 2014, Palestinian security officers attacked a peaceful demonstration where dozens of civilians participated, including members of the Islamic Jihad and Hamas in solidarity with the prisoners on hunger strike in Israeli jails near al-Bireh in the center of the West Bank. Those officers severely beat up the demonstrators, including Hassan Yousif, PLC Member. Moreover, they beat a journalist and prevented others from covering the events.
2. Around the same time, Palestinian security officers attacked a demonstration in solidarity with the prisoners on hunger strike and organized in front of a solidarity tent at al-Shuhadaa' Square in Nablus.
3. On 11 June 2014, a number of journalists and civilians gathered near al-Manarah Square in Ramallah in the centre of the West Bank upon an invitation from the Journalists Syndicate in protest against repeated attacks by security officers against journalists. Security service officers arrived at the area and started beating and insulting the participants in an attempt to disperse the assembly. Hadi al-Debes, who works for the Palestine Today TV, and Mo'aaz'Amarnah, correspondent of al-Aqsa TV, were beaten and their cameras were confiscated. In the same context, 'Abdel Naser al-Najjar, Chairman of the Journalists Syndicate, was insulted by the security officers.
4. On 20 June, members of Palestinian security services deployed in the vicinity of al-Hussein Bin Ali Mosque on 'Ain Sarah Street in Hebron in the south of the West Bank prevented women, including mothers of prisoners, from reaching the mosque for Friday Prayer to participate in a peaceful demonstration, which was supposed to be initiated from the mosque following the Friday prayer in solidarity with the administrative detainees on hunger strike. Following the Friday Prayer, the demonstration, in which women participated, moved from the mosque, but the security officers prevented the demonstrators from heading towards 'Ain Sarah Street and forced them to head to the neighboring Ibn Rushd Street, where other Palestinian security officers were waiting for them. Palestinian security officers used force to disperse the demonstration and attacked the demonstrators, including women, with sticks and batons.

As a result, many demonstrators sustained bruises. In the same context, Palestinian security officers attempted to prevent a number of journalists from covering the events near the mosque. They smashed a camera belonging to Kareem Sa'ed Khader, a photojournalist at CNN.

5. On 16 July, Palestinian Security Service Officers attacked a peaceful demonstration organized in Jenin refugee camp in protest against the Israeli offensive on the Gaza Strip. The security officers were waiting for the demonstration in Nazareth Street in the city leading to al-Jalamah checkpoint established by Israeli forces at Jenin's entrance. The police officers fired bullets in the air in addition to tear gas canisters at the participants in the demonstration to disperse them. They also detained 3 journalists working for Palestine TV and Ramatan Company for Media Production.
6. On 20 July, hundreds of civilians gathered at alManarah Square in Ramallah in the center of the West Bank in protest against the Israeli offensive on the Gaza Strip, in particular the crime committed by Israeli forces in al-Shuja'iyyah neighbourhood in Gaza City. The demonstrators roamed the streets of Ramallah and al-Bireh chanting national slogans. When dozens of civilians arrived at Nablus Street in al-Bireh, they were surprised with the closure of the street by large forces of Palestinian security services and police. Following verbal quarrels between the two parties, the security officers immediately fired tear gas canisters at the demonstrators and beat a number of them using sticks and batons. Samih Muhsin, Director of PCHR branch in Ramallah, said that he headed there after he was done with a TV interview on Palestine TV on the Israeli offensive on the Gaza Strip. He added that he was with a number of civilians behind the security officers, who then pushed them without any prior warning. When Muhsen protested at their attitude and identified himself, a security officer strongly pushed him and kicked him with his foot in the bottom of his abdomen causing him severe pains. Moreover, a number of civilians suffered tear gas inhalation.
7. On the same day, hundreds of civilians gathered in the center of Nablus and organized a demonstration protesting against the Israeli offensive on Gaza and the Israeli attack on al-Shuja'aiyyah neighborhood. When the demonstration arrived in front of the National Hospital, dozens of Palestinian security service officers stopped the demonstrators in an attempt to disperse them. Clashes broke out between the officers and the demonstrators, so security backups arrived at the area. They fired bullets in the air, rubber-coated metal bullets and tear gas canisters at the demonstrators. As a result, eight civilians were wounded; one of them was hit with a bullet to the abdomen, and the other 7 ones were hit with metal bullets and gas canisters in different parts of their body. Moreover, a number of security officers were wounded due to being thrown with stones.
8. On 30 August, hundreds of supporters and leaders of Hamas and national and

Islamic factions in Ramallah and al-Bireh gathered in the yard next to al-Bireh municipality in the center of the city to organize a festival titled as "Allegiance and Victory of Resistance in the Gaza Strip". Palestinian security forces, most of whom were dressed in plain clothes, established checkpoints at all entrances of Ramallah and al-Bireh and to the festival area in order to check all the cars and their travellers. Security officers stopped a car, on which a loudspeaker was set, belonging to the festival and took it, including the four young men who were in it, to the PSS office. When the festival finished, dozens of security officers, most of whom dressed in plain clothes, stormed the festival yard and confiscated all the tools and equipment that were used in it.

9. On 09 November 2014, a number of journalists organized a demonstration in front of the Presidential Compound (Mukata'ah) in Ramallah, in solidarity with their colleague, journalist Alaa'al-Titi, a reporter in al-Aqsa Satellite Channel who was arrested by the Palestinian General Intelligence Service (GIS) in Hebron. They raised banners and slogans, demanding the freedom and release of the journalist al-Titi. However, Presidential Guards and police officers prevented them. Journalist Mohammed Hassounah said to PCHR the following:

*"At approximately 12:00 on Sunday, 09 November 2014, my colleagues and I agreed on organizing a demonstration in front of the Presidential Compound (Mukata'a) in Ramallah, in solidarity with our colleague Alaa' al-Titi, a reporter in al-Aqsa Satellite Channel who was arrested 5 days ago by the GIS in Hebron. There were around 15 male and female journalists in front of the grave of late President Yasser Arafat. Moreover, we raised banners and slogans such as "Say No to Arrest of Journalists and Prevention of Freedom of Press" and "Freedom for Journalist 'Alaa' al-Titi", along with pictures of him. A number of Presidential Guards arrived in the area and asked us about the reason of our gathering. They then returned to their places. After 5 minutes, 6 members of the Presidential Guard, wearing civilian clothes, came and introduced themselves from the Presidential Office. They asked us about the reason that we are here. After we argued at some length, they told us to write a letter to the President and leave the area, but we refused. They tried to suppress the activity. Some colleagues wrote a letter to the President and handed it to them. After that, 2 members of the Presidential Guard came; one of them started shouting and tried to attack us, but his colleagues holt him back. Another member threatened to shoot our legs. In the meantime, police and anti-riot officers arrived, but they did not intervene. We were prevented from covering this demonstration. I later saw the Presidential Guards, who were dressed in civilian clothes, surrounding our colleague, journalist Hadi. I later knew that the material was erased."*

10. On 14 January 2015, Palestinian security services attacked a cars rally patrolling Tulkarm Streets to celebrate the release of prisoner 'Ammar Kamal Mahmoud Manna'a (40), affiliated with Hamas Movement, from the Israeli jails. According to PCHR's documentation, at approximately 17:00 when the aforementioned rally arrived at al-Shahed Intersection, security services' jeeps intercepted the rally, forcing it to stop. Security officers stepped out of the jeeps and attacked

the participating cars. They attacked a child and confiscated a Hamas flag he was raising. they also beat up Nael Zuhair Mohammed Manna'a (33), from Nablus, and confiscated from him a Palestine flag. They forcibly took him out of the car and dragged him along behind. They arrested him unconscious, but later released him. meanwhile, a civilian young man affiliated with Fatah Movement verbally and physically assaulted wife of the released prisoner, Hitaf Zuhair Mohammed Manna'a (40) and the prisoner himself amidst the protection of the security services, which started shooting to disperse civilians.

11. Palestinian security services in the West Bank banned an annual festival titled "Islamic Caliphate Conference" which was scheduled in May 2015 by the Islamic Hizb-Ut-Tahreer (Liberation Party) in Ramallah. It should be noted that the Liberation Party notified the Police Chief of Ramallah and al-Bireh and Ramallah governorate 10 days earlier. The central conference was supposed to be held on 23 May 2015 in the yard of al-Bireh Municipality that was prepared for the event. However, the Palestinian security services removed all posters and prevented participants from attending the conference in Ramallah. Moreover, they closed the municipality yard.
12. On 05 July 2015, dozens of families of the political prisoners, who were arrested by the Palestinian security services, organized a demonstration near al-Manara Square in the center of Ramallah, in protest against arresting their sons on political grounds. Police, anti-riot and security officers, dressed in civilian clothes and deployed in the area, started attacking, shouting, and pushing some female demonstrators, who tried to prevent the arrest of their sons participating in the protest. They also severely hit other participants with their rifles' butts and kicked them in addition to insulting them. As a result, Taghrid No'aman Dar Mousa (46), from Beit Loqya village, southwest of Ramallah, fainted when she was trying to prevent the arrest of her son, Mohammed (16), by Preventive Security officers. It should be mentioned that the aforementioned woman is the mother of political prisoner Islam Saleh Sar Mousa, who was arrested on Friday, 03 July 2015, from his family house by the same officers who tried to arrest his brother. Moreover, the security officers beat up and arrested 5 civilians. Two of them were identified as Khalil Hasan Jamil Hamed (32) and Lo'ay Noah 'Abdel Rahman Hamed (33), both from Silwad village, northeast of Ramallah and were taken to the City police station. At approximately 23:20, both of them were released, but their ID cards were detained. They were asked to refer to the Preventive Security office in al-Balou'a area in al-Bireh to regain their IDs at 10:00 on Monday, 06 July 2015.
13. On 18 September 2015, following the Friday prayer, dozens of Palestinian civilians from all over Bethlehem gathered near al-'Izzah refugee camp, north of the city, to organize a protest against the Israeli attacks against al-Aqsa Mosque in occupied East Jerusalem. When the demonstration started moving towards Bilal Bin Rabah Mosque (Rachel Tomb), the Palestinian police and security services stationed at the entrance of the camp stopped the demon-

stration and forcibly dispersed the protestors. The Palestinian security services then fired tear gas canisters against protestors to prevent them from heading to the (Rachel's Tomb). In response, a number of demonstrators tried to resist, but they were beaten and pushed. Additionally, other protestors threw stones and empty bottles towards the police officers, who in response fired gas canisters heavily. The police officers also used live bullets while chasing youngsters in the alleys of the camp. The security members then arrested 3 protestors and took them to the Presidential Compound (al-Moqata'ah) in Ramallah. One of the arrested persons was identified as Abdullah Younis Hammad. In the meantime, 'Abed al-Hai Abu Sorour (26) from 'Aida refugee camp sustained wounds and bruises to the head and leg and was taken to the Arab Society Hospital to receive medical treatment. Moreover, Helmi al-Qaisi (28) was beaten when he was in front of his shop in al-'Izaah refugee camp. As a result, he was wounded to his back. Furthermore, a video posted on YouTube showed Palestinian police officers beating Mahmoud Redwan Hamamrah (17) from Beit Sahour village with batons. As a result, he sustained various wounds and bruises throughout his body. It should be mentioned that Mahmoud is the son of Radwan Hamamra, a lieutenant colonel in the Palestinian police.<sup>7</sup>

14. On 02 October 2015, PSS officers used excessive force to suppress a peaceful assembly organized by Hamas Movement in protest against the Israeli attacks against al-Aqsa Mosque at Thabet Thabet Square in Tulkarm, where a number of young men participated. The participants said that clashes broke out between them and the officers, who ordered them to leave the area. The officers dispersed that protest and confiscated the green flags raised by the participants. They also severely beat up the protesters and took some of them to detention centers, where one of them said that he was subject to torture while questioning him in the police station. Yehia Sadiq al-Qarout (16), a school student from Tulkatm said to PCHR's fieldworker that:

*"The security officers attacked us, so we stayed at Thabet Thabet Square, where, an officer pushed me and asked me to leave the area. Around 10 security officers then surrounded me and severely beat me. I was arrested and taken to the police station in the city and then to the GIS office, where I was interrogated. During the interrogation, I was many times slapped on the face and shackled. I was then transferred to a cell until Sunday morning, but I did not appear before any judicial body."*

Another participant namely Ra'ed Qozah (16), who is a school student as well, said that:

*"The PSS officers arrested him due to participating in the protest, but I was released the next day. I did not appear before any judicial body."*

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7. Following this incident, the Palestinian government decided to form a committee to investigate the security officers' assault against the child. On 20 September 2015, Chief of the National Security Service declared imposing cruel and disciplinary punishments against 9 security members, who participated in attacking the aforementioned child, while 4 others were discharged from the Palestinian National Security Service and then faced disciplinary actions. Moreover, 5 other officers were imprisoned and their ranks were suspended for one more year on grounds of Bethlehem incidents last Friday, when a civilian was attacked during a protest supporting al-Aqsa Mosque.

## **Second: Banning Peaceful Assemblies**

### **Banning Hamas Movement to commemorate its 27<sup>th</sup> anniversary**

On 14 December, Hamas Movement commemorates its anniversary. Hamas, like any other Palestinian factions, is used to organizing festivals or celebrations in commemoration of its establishment. However, in 2014, the security services in the West Bank banned Hamas from holding any activity on this occasion. It should be mentioned that the security services banned such activities during the previous years, except in 2012 when Ramallah, Nablus and Hebron witnessed demonstrations and assemblies on that anniversary. Since the Palestinian political division occurred between the West Bank and Gaza Strip in 2007, Hamas only held its celebrations in the Gaza Strip as it annually organizes a rally in Gaza City.



## Recommendations:

The reporting period extended from July 2014 to October 2015 witnessed further violations of the right to peaceful assembly against Palestinian civilians. Most of those violations result from the ongoing political division between the West Bank and Gaza Strip and its repercussions following June 2007 when Hamas took over the Gaza Strip and the enforcement of Hamas' and Fatah's powers each in its respective area.

In light of what came in this report, PCHR hereby makes the following recommendations, which PCHR constitutes the main factors to promote civilians' right to peaceful assembly.

1. PCHR calls upon the Palestinian Attorney General to investigate all the violations against civilians and to bring the perpetrators to justice. It is vital that all investigations of the Attorney General are conducted in a transparent and independent manner.
2. PCHR calls upon the National Unity Government to take genuine and serious measures to put an end to increased attacks against human rights and public freedoms, particularly violations of the right to peaceful assembly, and to adhere formally to respect civilians' right to public meetings.
3. PCHR calls upon the Prime Minister of the National Unity Government, in his capacity as the Minister of Interior, to cancel the Executive Regulation of the Public Meetings Law or amend it in a way that harmonizes with the Public Meetings Law and relevant international standards. PCHR also demands abolishment of all decisions issued by Palestinian official bodies until they are reformulated in harmonization with the Palestinian laws and international human rights conventions.
4. PCHR calls for working on enhancing the rule of law, including separation of powers in government, in order to achieve a balance between persons' duties and rights, to regulate both individual and group rights and to make sure that all measures that are taken by official bodies are legal and within the limits that are guaranteed and regulated by the law.
5. PCHR calls for promoting the relation between Human Rights organizations and the public meetings organizers to stress that such organizations should work for defending the right to peaceful assembly in particular and public freedoms in particular.