

**The Right to Free Expression  
and the Right to Peaceful  
Assembly:**

**The Case of the West Bank and Gaza Strip**

**(January 1, 1999-April 30,2000)**

**SERIES STUDY (23)**

## **Introduction**

This is our second report of its kind, which aims at highlighting exercising the right to free expression and the right to peaceful assembly under the Palestinian National Authority during the period of January 1, 1999 to April 30, 2000. In September, the Palestinian Center for Human Rights published its first report on exercising these rights under the Palestinian National Authority in the Gaza Strip during the period of May 1994 to the end of December 1998. PCHR has prepared this report, which is part of its continuous work in this regard, to assess the status of exercising the above-mentioned rights during the period of January 1, 1999 to April 30, 2000. In an attempt to extend the scope of work in this regard, this report includes a review of the status of exercising these rights in the West Bank in addition to the Gaza Strip. Thus, this report essentially relies on the observation and documentation of the Field Work Unit of PCHR, and the organizations and institutions of human rights working in the West Bank in regard to cases of the West Bank.

During the period under study, the PNA continued to impose restrictions on free expression and press, and took several measures to restrict the citizen's right to express and release his/her viewpoint, and to receive information. It also arrested several citizens on the basis of their opinions or political backgrounds. In addition, it imposed restrictions on the work of press, arrested or warned several journalists for covering certain events, and closed several press institutions for publishing certain news items. During the period under study, the PNA took several measures, which limit citizens' right to peaceful assembly. To review and analyze the dimensions of such measures, we will try to divide them into the following:

1. Measures against the right to free expression.
2. Measures against the right to exercise peaceful assembly.

## **1. Measures against the Right to Free Expression**

This includes:

1. Measures of the PNA against free press.
2. Measures of the PNA against free expression based on political beliefs.

### **1. Measures of the PNA against Free Press:**

This part of the report reviews the most notable violations of the PNA towards citizens on the basis of exercising their right to free press and publication. The period of study witnessed attempts by the State Information Service<sup>1</sup> to intervene in the authorities of the Ministry of Information through declaring its intention to issue special cards for reporters and journalists, and considering the work of any reporter or journalist who would not apply to get such cards illegal. In fact, this contradicts Press Law of 1995, which asserts that Ministry of Information is the official body mandated to regulate the work of reporters and journalists in regard to their credit, getting reporter and journalist cards, and office licensing. The position of Ministry of Information, which refused that declaration, and the Journalist Union non-compliance to it had the principal role in canceling it and non-implementing it on the ground.<sup>2</sup> In fact, the practices of the PNA was not limited to such extent; Palestinian security services continued measures, which aimed at limiting the freedom of journalists in exercising their work. So, in order to review and analyze the dimensions of such measures, we will classify them as follows:

- a) measures pertaining to interrogating, detaining and arresting journalists,
- b) measures pertaining to aggression against journalists, and
- c) measures pertaining to closing licensed press institutions.

#### **a) Measures Pertaining to Interrogating, detaining and Arresting Journalists**

The period under study (January 1, 1999 - April 30, 2000) witnessed several cases of detaining and arresting journalists for covering certain events. On March 11, 1999, the Criminal Investigation Unit in its headquarter in Rafah arrested 9 journalists and

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1 The State Information Service was established pursuant to the Presidential Decree (41) of 1996, on February 12, 1996. The Decree provides: “ 1. State Information Service will be established as an independent public corporation which follows the presidency. 2. Mr. Ziad Jamil Abdelfattah will be the Chairman of State Information Service. 3. This Decree will be in effect upon its issuance.” For more details refer to *Palestinian Facts*, the official journal of the Palestinian National Authority, issue 12, April 23, 1996, p.63.

2 For more details, see the administrative decision of the Journalist Union on Feb. 17, 1999, and the press release of Minister of Information, Yasser Abed Rabbo on Feb. 18, 1999.

confiscated their photographic films, for trying to cover bloody clashes which the town witnessed between Palestinian security forces and citizens, in the aftermath of the trial of three persons accused of killing Captain Refa't Joudeh.<sup>3</sup> The journalists who were arrested are: Sawah Abu Seif, a photographer of Reuters TV; Ahmed Jadallah, a photographer of Reuters; Shams Eddeen Atallah, a photographer of Reuters; Sami Ziada, a photographer of J.C.M.; Husam Al-Titi, a sound technician of APC.; Adel Muhanna, a technical photographer of Associated Press; Fayez Nour Eddin, a photographer of AFP; Mohammad Al-Jahjough, a photographer of Mayadeen Institution; and Zakaria Talmas, of the German TV and Head of Journalists in Gaza then.

On May 22, 1999, the Political Investigation Unit of Palestinian police, arrested Dr. Ghazi Hamad, Editor of *Al-Resala* (the newspaper of Islamic National Salvation Party), after the newspaper published two news items in its issue of May 20, 1999. The first item was about the case of Ayman Mohammad Abdelqader Al-Amassi who was moved to Shefa' Hospital by the Criminal Investigation Unit of Gaza after being severely tortured. The second item was about the tension between Fatah and the PNA after a Fatah leader was insulted by a member of the PNA.<sup>4</sup> Dr. Hamad was released

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3 At about 1:15 p.m. on Monday Feb. 1, 1999, an armed confrontation broke out between a force of Preventive Security Service and a group of four persons believed to be working in one of the Palestinian security services. Those persons were wanted by Israeli authorities for being members of Hamas. Captain Refa't Mohammed Khamis Joudeh, 35 years old of Rafah and a member of the Preventive Security Service, was killed in the incident, and the wanted persons could escape. As a result, on that day, Palestinian security forces deployed densely along the coast road in Shati Camp, in an attempt to arrest the wanted persons. On March 10, 1999, State Security Court sentenced Rae'd Ahmed El-Attar, 25 years old of Rafah, to death by firing squad after he was convicted of killing Captain Joudeh. It also sentenced Mohammed Ibrahim Abu Shammaleh, 25 years old of Rafah, to life imprisonment, and Ussama Suleiman Abu Taha to 15 years in prison for the same reason. The three had already surrendered to Palestinian police on Feb. 10, 1999, and then they were remitted to State Security Court. Immediately after the decision of the court, protests broke out in Rafah against the decision. Palestinian security forces started shooting on citizens, which resulted in the killing of Alla' Juma' El-Hams, 17 years old of Rafah, due to a head injury, and Khamis Mahmoud Salameh, 17 years old of Rafah, due to a chest injury. Some other persons were injured in these clashes. (See press releases issued by PCHR on Feb. 2, and March 10, 1999.)

4 On May 20, 1999, *Al-Resala* published a reportage on the case of Ayman Mohammed Abdelqader El-Amassi who was arrested by the Criminal Investigation Unit of police on March 14, 1999. The reportage said that an Arab Member of Knesset- the reportage didn't mention his name- complaint to the Palestinian police that El-Amassi had raped the wife of Younis Sultan, a Palestinian resident of Teereh, when he was working inside the Green Land. The reportage added that the Israeli Police, which arrested the above-mentioned citizen, performed its laboratory tests on him. Those tests proved that he was innocent. The cause was raised again when the woman and her husband submitted a complaint to Palestinian police through the above-mentioned Member of Knesset, accusing El-Amassi of raping and stealing her. Accordingly, the Criminal Investigation Unit arrested him for interrogation on such accusation. On May 11, 1999, El-Amassi was moved to Shefa' Hospital in Gaza clinically dead. In his attempt to explain the circumstances which led to the deterioration of El-Amassi's health conditions, Major General Ghazi El-Jabali, Chief of Palestinian Police, told *Al-Hayat* daily newspaper on May 14, 1999 that El-Amassi was not tortured by Palestinian police, and that the deterioration of his

in the evening of May 22. On the following day, May 23, 1999, the Criminal Investigation Unit arrested the journalists Wissam Afifa, of *Al-Resala*, and Salah Al-Bardaweel, Editor-in-Chief of the same newspaper, for the same reason. The two were released on the following day of their arrest; that is, May 24, 1999.

Palestinian Police re-arrested Dr. Ghazi Hamad, Editor of *Al-Resala*, and a training journalist, Hussam Ba'loosheh. The two were interrogated on an interview Ba'loosheh made with Attorney General Zuhair Al-Sourani on the status of the judiciary system in the PNA areas- published in *Al-Resala* on August (12), 1999, issue no. 117- and were accused of misstating El-Sourani's statements in the interview.<sup>5</sup>

On September 15, 1999, journalist Maher Disouqi, of the Arab Cultural House in Ramallah, was arrested by a force of Preventive Security Service. It was commonly believed that the arrest was due to a TV interviews he made with families of prisoners in the PNA jails on Jerusalem Educational TV. Families criticized the PNA. Disouqi

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health was a result of his attempt to commit suicide, after he confessed the accusation, and his feeling of the effect of the incident and its consequences. However, on May 15, 1999, the family of El-Amassi published a release in *Al-Quds* in response to El-Jabali's statement, asserting that their son was innocent and refusing what El-Jabali said *en masse*. (Source: a testimony of Hesham Mohammed Abdelqader El-Amassi, Ayman's brother, on April 28, 1999, *Al-Hayat*, May 14, *Al-Quds*, May 15, and *Al-Resala*, May 20, 1999.)

In the same issue, the newspaper published also a news item based on Quds Press, which informed about a tension between the PNA and Fatah Movement. It said, based on a statement of the High Movement Committee of Fatah in the West Bank, that the so-called Saa'd Zahran, known as "Abu El-Soud" who was working in the office of President of PNA, misused his position encroaching and insulting Marwan Barghouthi, Secretary of the High Movement Committee of Fatah, which led to tension between Fatah and the PNA. Based on the content of the statement, the newspaper also added Fatah's appeal to President of the PNA to dismiss the so-called "Abu El-Soud", pointing out his suspected relations, and considering him a symbol of administrative and financial corruption and bribery. (See *Al-Resala*, May 22, 1999). In the evening of May 22, 1999, Dr. Hamad was contacted by the Criminal Investigation Unit of Gaza, which summoned him to come to the police leadership headquarter at 6:00 p.m. Dr. Hamad arrived on time, and he was received by the Officer of Political Security of police Lieutenant Colonel Mahmoud Saqer, and then he appeared before Brigadier General Talal Abu Zeid. He was interrogated for publishing the above-mentioned items. Dr. Hamad stated that he appeared before the Public Prosecution to complete investigation. Then, he was released at 8:00 p.m. on the same day, according to a decision taken by Attorney General, as he was not the editor-in-chief of the newspaper. (For more details, see *People's Rights*, a magazine published by LAW, issue 28, June 1999, 3<sup>rd</sup> year, p.42).

5 On August 12, 1999, *Al-Resala* published an interview with Attorney General Zuhair El-Sourani on the status of judiciary system in the PNA areas, made by a training journalist, Hussam Ba'loosheh. The newspaper published El-Sourani's denouncement of continuing to work with state security courts, considering them illegal. It also published his assertion that the agreements signed with the Israeli side were obstacles in the face of applying the principles of law prevalence. (See *Al-Resala*, August 12, 1999.)

was released on October 4, 1999.<sup>6</sup> On October 28, 1999, the Criminal Investigation Unit arrested two journalists, one of them is working for *Al-Hayat*, while the other is working as a correspondent for *Al-Sharq Al-Awsat* issued in London, and as a photographer for *Al-Resala*. The former was detained for one day at the office of Brigadier General Talal Abu Zeid, Chief of the Criminal Investigation Unit, while the latter was detained in the prison of the Criminal Investigation Unit in Gaza. The two were interrogated on a news item published in *Al-Sharq Al-Awsat* on the extradition by the Israeli police of 4 Palestinian officers, who were suspected of immoral practices inside Israel, to the PNA. On October 29, 1999, Fathi Sabbah, a journalist of *Al-Ayyam* newspaper and a correspondent of *Al-Sharq Al-Awsat* newspaper issued in London, was summoned by Chief of Political Security at the Criminal Investigation Unit by phone. He was interrogated on the same subject. On the same day, a force of the Palestinian police raided the office of Jazeera Satellite Channel in Ramallah in the West Bank, and took its manager, journalist Wael Abu Daqqa, to the police station of the city. Interrogating journalist Abu Daqqa lasted for three hours. Then he was released on bail, on the condition of coming back to conclude interrogating him. In a statement issued by the Journalist Union on the same day, the Union stated that arresting journalists was harmful to free press, and limited a journalist's ability to carry out his career and national duties. The Union also called upon President Yasser Arafat to intervene to release detained journalists. In the first official comment of police on the arrest of the above-mentioned journalists, Major General Ghazi El-Jabali, Chief of Police, stated on the same day that the journalists were summoned not arrested. He added that these summons are part of the investigation carried out by police to reveal the source which disseminated fallacious news aimed at calumniating the PNA.<sup>7</sup>

On April 4, 2000, journalist Emad El-Efranjy, Manager of Al-Watan Press Office, and a correspondent of *Al-Quds* newspaper, was summoned by the State Security Prosecution for publishing a news item, by *Al-Quds* newspaper, concerned with a decision taken by the Palestinian High Court of Justice to release Emad El-Amassi.<sup>8</sup>

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<sup>6</sup> At about 11:30 on that day, a unit of the Preventive Security Service raided the library of the Arab Cultural House in the building of Cairo-Amman Bank in Al-Beireh-Ramallah and arrested journalist Maher Disouqi. In a meeting with the lawyer of LAW in Ramallah, the above-mentioned journalist stated that he had extended his hunger strike, which he declared immediately after his arrest, until September 17, 1999, in protest to continuing his arrest by the Preventive Security Service. He indicated that he was allowed to eat, read newspapers and magazines and obtaining medical treatment for his stomach, as he had health problems in stomach. For more details, see the two releases issued by LAW in Ramallah on September 24 and October 4, 1999.

Fore more details, see *Al-Quds*, Sep. 30, 1999.

In the morning of Wednesday, April 5, 2000, journalist Emad El-Efranjy received a phone call by the journalist Wael El-Dahdouh, in which he was informed that he had to appear before the State Security Prosecutor Fayez Hammad in one hour. The notice was originally received by Hassouna Nafe', a distributor of *Al-Quds* newspaper in Gaza, who in turn informed journalist El-Dahdouh. Consequently, journalist El-Dahdouh informed the Journalist Union in Gaza of the summon of El-Efranjy, but the

## b) Measures Pertaining to Aggression against Journalists

The period under study witnessed many cases of aggression by Palestinian security services against journalists for exercising their work. On December 21, 1999, journalist Mohammad Mousa Atia Manasra was assaulted by a force of the Preventive Security Service for criticizing PSS during a TV program on Beithlehem TV.<sup>9</sup>

It is worth mentioning that some cases of aggression against journalists were carried out by civilians. On September 30, 1999, journalist Alla' Saftawi, Editor-in-Chief of *Al-I Weekly*, was threatened by a course of Al-Khodary family, for a reportage which the newspaper published on the same day regarding the crisis of educational fees at Al-Azhar University in Gaza.<sup>10</sup>

On November 24, 1999, tens of youth, including a number of students of the Islamic University of Gaza, assaulted students of Journalism and Media Department and injured some of them. The event occurred on the ground of a reportage by two

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Union told him that journalist El-Efranji should not go, unless they received a notice regarding this. As soon as the Union received a phone call by the Security State Prosecution, in which they were informed that El-Efranji was summoned to its headquarters in Gaza, El-Efranji went. There, he met with the Security Prosecutor Fayez Hammad, who asked him about a news item which was published in *Al-Quds* newspaper on April 5, 2000, regarding a decision taken by the Palestinian High Court of Justice to release Emad El-Amassi, claiming that it was fallacious and inaccurate. But El-Efranji asserted that it was based on a press release by PCHR on April 4, 2000 on the same subject. The meeting ended without taking any measure against El-Efranji, as he was allowed to leave after Hammad asserted to him that PCHR would be sued for issuing such release. (See p.3 of this report on the case of El-Amassi, PCHR's release on April 4, 2000, and the journalist El-Efranji's testimony on April 11, 2000).

At about 10:00 p.m. on December 21, 1999, journalist Mohammed Manasra was forced to stop with his car offside the road near the crossroads of Ma'ali Valley and Abdelnasser Street in Beithlehem by a car of PSS, While he was travelling by his car. In a little minutes, 3 other cars of PSS came to the place, and soon members of PSS in the four cars, whose number was about 20, stated to break journalist Manasra's car, using black cudgels they were carrying. After they finished breaking the car, they assaulted him, until he swooned. In the aftermath of this, two cars of the General Intelligence Service came to the place and moved him to hospital. (For more details, see *Human Rights* issued by LAW in Ramallah, issue 36, February 2000, p.40-41.)

On September 30, 1999, *Al-Esteqlal* published a reportage by its journalist Tawfiq Essayed Khalil, surveying opinions of some students of Al-Azhar University concerning the crisis of educational fees at the university at that time. Students put responsibility on the university administration, and accused it of following a policy of extortion against them. Consequently, some members of Al-Khodary family in 5 cars attacked the journalist Saftawi's house and threatened him there, as they considered him responsible for what was published in the reportage which aimed at calumniating "their son", Dr. Riad Al-Khodary! (Source: the reportage of *Al-I* on September 30, 1999, and the journalist Alla' Saftawi's testimony on October 3, 1999).

students of the department on the phenomenon of begging published in *Voice of the University Magazine*, which is issued by the department, on November 23, 1999.<sup>11</sup>

In fact, the failure of the PNA to take strict measures against those who are involved in such assaults, as a deterrent for them, is an exigent reason for astonishment and condemnation in this context. Without doubt, it negatively affects the possibility of having a suitable institutional and environmental context for journalistic work.

So, it is clear that journalistic work has become a victim not only of the PNA and its measures, but also of some other social powers. Actually, this increases the restrictions imposed on journalistic work, and negatively affects the possibility of having a suitable social context that allows a free, developed journalistic work, which can contribute to the establishment of a pure civil society.

### c) **Measures Pertaining to Closing Licensed Press Institutions**

According to the Field Work Unit of PCHR, the period under study witnessed one case of closing licensed press institutions. On April 27, 1999, *Al-Resala*, the newspaper of the Islamic National Salvation Party, was closed *sine die* by a force of the Bureau of Investigation-Political Security Branch of Gaza. It was commonly believed that closing the newspaper was on the ground of the refusal of the leadership of the party to participate in the sessions of the Palestinian Central Council, which were convened to discuss the issue of declaring a Palestinian State then.<sup>12</sup> It is worth mentioning that the party made contacts with officials of the Executive, in an attempt

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On November 23, 1999, a reportage by students Hiba Abu Sido and Suhad Usrof on the phenomenon of begging was published in the *Voice of the University*. Some negative indications by a resident of a quarter of North Gaza Governate, who hinted that customs and tradition of a certain quarter of the governate encouraged the phenomenon of begging, appeared in the reportage, "Begging: a Need or a Profession," which criticized such phenomenon and surveyed viewpoints of some officials and specialists. Those indications provoked some students of the university living in the mentioned quarter, and verbal quarrels erupted between them and students of the Department of Journalism and Media. The university administration withdrew the issues of the student magazine, which had been already distributed. On the following day, Wednesday, November 24, 1999, according to testimonies of eyewitnesses, tens of guys, including some students of the department itself, assaulted students of the Department of Journalism and Media, and injured some of them. After contacts made by persons of distinction in the area, the university administration decided to form an investigation committee, and to suspend study *sine die*. It also decided to suspend Dr. Jamal El- Dalo, Head of the Department of Journalism and Media, and the two students who prepared the reportage. In protest to the latter decision, the teaching staff of the department declared their mass resignation. After little days, the university administration apologized to Dr. El- Dalo and reinstated him. The two students were also brought back to study. It is worth mentioning that the assaulting students were not punished. (See *Voice of the University*, issued by the Department of Journalism and Media, on November 23, 1999, and PCHR's press release on November 25, 1999.)

See the statement of the Islamic National Salvation Party on April 27, 1999.



to reopen the newspaper. The efforts of the party proved to be fruitful when the PNA permitted the newspaper to work again after some hours of closing it.

## **2. Measures of the PNA against the Right to Free Expression on the Ground of Political Beliefs**

This part of the report reviews the most notable measure of the PNA against citizens on the ground of political beliefs. In order to achieve this goal, these measures are classified into the following:

### **a) Measures Pertaining to Assaulting, Detaining or Arresting Citizens on the Ground of Factional Affiliation**

During the period under study, Palestinian security forces continued their measures in regard arresting citizens on the ground of factional affiliation.<sup>13</sup> On March 4, 1999, Palestinian security forces waged an arrest campaign against members of the Islamic National Salvation Party, included 14 of the leaders and members of the party on the ground of issuing a public statement on March 2, 1999, criticizing forming “a state security court” to prosecute those who were accused of killing Captain Refa’t Joudeh in February of the same year. The statement considered such court illegal and that it contradicts international law and human rights conventions. The above detainees were released on March 7, 1999.<sup>14</sup> On March 13, 1999, a force of the General Intelligence Service arrested Ahmed Mohammad Nemer Hamdan of Khaniounis, an activist of Hamas in the Gaza Strip, for delivering a sermon at Al-Huda Mosque in Rafah, in which he criticized fire shooting on citizens by Palestinian security forces during the clashes which erupted in the town in the aftermath of the trial of those who were accused of killing Captain Joudeh.

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It is worth mentioning that at the night of the Lesser Bairam, January 17-18, 1999, the PNA released 37 political detainees who had been detained since October 23, 1998, twenty of them were from the West Bank while the other 17 were from the Gaza Strip. (For more details, see *People’s Rights*, issued by LAW in Ramallah, issue 24, February 1999, 2<sup>nd</sup> year, p.2.)

For more details, see the previous source, issue 26, April 1999, 3<sup>rd</sup> year, p.27-28.

On August 6, 1999, the Bureau of Investigation of Palestinian police arrested Ahmed Mohammad Nemer Hamdan, Isamil Abu Shanab and Dr. Abdelaziz Al-Rantisi, for their relation with Hamas. On August 17, 1999, a force of the "Special Bureau" arrested Sami Noufal, Member of the Political Bureau and Secretary of the Islamic National Salvation Party. He was severely tortured before he was released on August 24, 1999.<sup>15</sup>

On January 16, the General Intelligence Service arrested a resident of Zawaideh suspected of being a member of the Islamic opposition, and writing wall slogans demanding the PNA to release political detainees. He was released on January 18, 2000.

During the period of February 2-7, 2000, the GIS in Rafah summoned 6 students, activists of the Islamic Block in the town, and interrogated them on the activities of the block in Beer Essaba' Secondary School in the town and the Islamic University in Gaza. They were also interrogated on a statement signed by "Giants of Islam," and distributed in Rafah, which accused an official of the PNA of financial and administrative corruption.

On April 18, 2000, the Bureau of Investigation arrested Yehia Mousa, Secretary General of the Islamic National Salvation Party and a lecturer of the Islamic University of Gaza, for distributing a statement of the party on the events which the Islamic University witnessed then.<sup>16</sup>

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At midnight of August 16, 1999, a force of the General Intelligence Service-"Special Bureau"-raided the house of Sami Noufal, member of the Political Bureau and Secretary of the Islamic National Salvation Party, and inspected it searching for him. When the force did not find him, they told his family that he had to succumb. On August 25, members of the Political Bureau of the party accompanied Noufal to the headquarters of GIS, where officers asserted that the case was simple, and he would go back home in dignity in a short period of time. But, his detention lasted until August 25, 1999, in which he faced physical and psychological torture. On the same day, a press conference was convened by the party, in protest against Noufal's arrest and torture. Noufal asserted that he was beaten and tortured during his detention. He added, "Beginning with the first day of my detention, my hands were chained and I was blindfolded. I was beaten on my feet by a scourge, which caused me severe pains and swells on my feet, that I could not stand up nor walk." (See *People's Rights*, the monthly magazine of LAW in Ramallah, issue 31, September 1999, 3<sup>rd</sup> year, p. 5.)

The Islamic University of Gaza had witnessed tension between the Student Youth Movement and the Islamic Block since April 2000. Tension escalated after declaring the results of the student union election, held on April 1, which showed that the Islamic Block won the election. The Student Youth Movement refused the results and accused the Deanery of Student Affairs of conspiring with some members of the teaching staff and the Islamic Block to falsify the results. In light of this, the Student Youth Movement considered the new student union illegal; consequently, it would not comply with its decisions. The movement carried out its activities inside the university without referring to the union. Tension escalated in the aftermath of distributing a statement, entitled "We do not want another Islamic University in Gaza" and signed by "Nobles of the Youth Movement," on April 17 in the College of Education (Arafat University) of Gaza. The statement accused the administration of the college of conspiring against members of the Islamic Block, and praised the Islamic University and its pioneering

So, it is clear that the period under study witnessed several cases of arrest, detention and summons of citizens by the PNA on a factional ground. Without doubt, in order for reviewing the measures taken by the PNA against citizens on the ground of exercising their right to free expression on the ground of free political belief to be complete, there is a need to review its measures against citizens on the ground of exercising their right to free political belief non-factionally.

**b) Measures Pertaining to Assaulting, Detaining or Arresting Citizens on a Non-Factional Political Ground**

The period under study witnessed several cases of arrest on a non-factional political ground. The first case was on June 14, 1999, when 6 citizens, residents of Al-Boreij Refugee Camp, were arrested by the Palestinian Bureau of Investigation, for distributing a statement, signed by “Madmen of Gaza,” accusing some officials of the PNA of financial and administrative corruption. On June 19, another citizen of the same camp was arrested on the same ground.

On July 10, 1999, the GIS summoned Salah Eddin Al-Ghandour and Tawfiq Khamis Abu Zoureq, resident of Nuseirat, and interrogated them about those who delivered sermons at Al-Rahman Mosque in the camp.

On July 27, 1999, Zaki Abdelhamid Fadel, resident of Al-Boureij, was arrested by GIS for criticizing the PNA in his sermons at mosques.

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role. In response, on the same day, the Student Youth Movement issued a statement, entitled “Scenarios of impudence have not left the believers of the principle of hatchets and chains.” The statement accused the Islamic Block and Hamas of responsibility for the statement signed by “Nobles of the Youth Movement,” which aimed at stirring up sedition. At about 7:30 on Tuesday, April 18, 2000, some supporters of the Student Youth Movement attempted to distribute the mentioned statement in the Islamic University, and to stick photos of President Arafat and Abu Jihad (a leader of PLO who was assassinated in 1988 in Tunisia) on the walls of the headquarters of the Student Union of the university, which members of the union considered provocative, as the Student Youth Movement did not recognize the union. A verbal quarrel erupted between the two sides, which developed into a physical quarrel. As the number of supporters of the Student Youth Movement in the Islamic University was relatively small, they escaped into the adjacent Al-Azhar University. As a result, supporters of the Student Youth Movement in Al-Azhar University demolished the wall separating the two universities and plunged into the Islamic University campus. In the aftermath of this, mutual throwing of stones erupted between supporters of the Islamic Block and supporters of the Student Youth Movement, which had continued for about 90 minutes. This resulted in injuring 50 students, 30 of them were treated in the clinic of the Islamic University while the rest were moved to Shefa’ Hospital. At midnight a force of Palestinian police came to the place, dispersed the students and controlled the situation. Later, the Islamic National Salvation Party issued a statement repenting these events, and accusing police of being late and not intervening immediately to put an end to the conflict. The statement also called for investigating the events. (See the statement signed by “Nobles of the Youth Movement,” on April 15, 2000, the statement of the Student Youth Movement, the statement of the Islamic Block, and the statement of the Islamic National Salvation Party on April 18, 2000.)

On July 31, Abdelghani Mohammad Hamdan, Chairman of the Committee of Jabalia Refugee Camp Market, was arrested by Palestinian police. He was interrogated for some articles published in local newspapers, accusing police of failing to commit to providing necessary services for the market of the camp.<sup>17</sup>

On August 1, 1999, Hussein Saleh Karim and Khaled Sha'ban Al-Sharif, resident of Al-Boureij Refugee Camp, were arrested by GIS for criticizing the PNA in sermons they delivered at mosques of the camp.

On August 5, 1999, Dr. Eyad El-Sarraj, Director General of Gaza Mental Health Program, was arrested by Palestinian police. He was interrogated for writing an article, entitled "the Open Battle," in *People's Rights*, the magazine of LAW in Ramallah. In this article, Dr. El-Sarraj reviewed the campaign, which the PNA waged then against NGO's in general and human rights organizations in specific. He also criticized the performance of the PNA.<sup>18</sup>

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Before July 31, 1999, the Committee of Jabalia Refugee Camp Market had reached an agreement with police, Municipality of Jabalia and Fatah Organization. Under the agreement, the municipality would provide necessary services for operating the market, including lighting, cleaning the market, disposal of its wastes, solving the problem of toilettes, etc. But, the municipality did not committed to the agreement, and this led members of the committee to publish several articles in local newspapers, criticizing the position of police and accusing it of default towards citizens there.

At about 12:30 p.m. on Thursday, August 5, 1999, Dr. Eyad El-Sarraj received a phone call by Colonel Mousa Abdelnabi of Police Security. Colonel Abdelnabi asked Dr. El-Sarraj to come to the headquarters of the Police Directorate. When Dr. El-Sarraj asked about the reason, Colonel Abdelnabi refused to answer, so Dr. El-Sarraj informed him that he would not come. However, Colonel Abdelnabi told him that a decision was taken by President Arafat to interrogate him for an article he wrote and was published in issue 30 of *People's Rights*, which had the title "the Open Battle." In light of this, Dr. El-Sarraj, accompanied by Lawyer of PCHR, Eyad Al-Alami, who accompanied him upon his request, went to the headquarters of the Police Directorate in Gaza. Colonel Abdelnabi refused to allow Al-Alami to accompany Dr. El-Sarraj during interrogation, and informed him that he would be able to do so in a state of law. He said, "we (the PNA) are not a state of law, we may become so in 2005. At the Police Directorate, Dr. El-Sarraj met with Major General Ghazi El-Jabali, Chief of Palestinian Police, who informed him that a report was submitted to President Yasser Arafat on his article "the Open Battle," which was published in *People's Rights*, issue 30. Then, Dr. El-Sarraj asked Major General El-Jabali if he read the article or not, and El-Jabali answered that he did not. So, Dr. El-Sarraj asked El-Jabali to read it, and El-Jabali sent a policeman to bring it. When he read it, El-Jabali told Dr. El-Sarraj that he highlighted in the article the weakness and corruption of the PNA, and he accused the President of the PNA of suspending law. Dr. El-Sarraj denied that, and asserted that he mentioned facts and relied on relevant statements of PNA ministers on the campaign against NGO's, specially the statements of Minister of Justice Fureih Abu Meddain and Salim Za'noun, the Palestinian National Council Speaker, Salim Za'noun. Then, an aide of El-Jabali intervened and said, "it is clear that facts are deformed, and there are people who seek to provoke the President's feelings." As a result, El-Jabali ordered opening investigation with Dr. El-Sarraj. During the investigation, Dr. El-Sarraj expressed his deep resentment for not interrogating those who offended him, Dr. Haidar Abdelshafi, Lawyer Raji El-Sourani, Director of PCHR, and Khader Shoqeirat, Director General of LAW in the West Bank, at newspapers. He asserted that his article told facts, that the corruption he

On December 25, 1999, a force of GIS arrested Essam A'mira of Sour Baher in Jerusalem for delivering a sermon at a mosque in Hebron on the same day, criticizing the PNA and its practices. He was released on January 13, 2000.

It is worth mentioning that the period under study witnessed two very important events in regard to the right to free viewpoint. On November 27, 1999, a statement to public opinion came out, criticizing the PNA and accusing it of "following a horrible policy of corruption, and abasing and exploiting the Palestinian people. The statement was signed by 20 Palestinian national figures, including 9 members of the Palestinian Legislative Council, and had come to be known as "Statement of the Twenty."

On February 26, 2000, during his visit to Bir Zeit University in the West Bank, French Prime Minister Lionel Jospin, was assaulted through stones by university students. This came as an expression of their refusal and denouncement of his statement on February 24, 2000, in which he considered Hizbullah's resistance against Israeli occupation in South Lebanon as a terrorist action. The protests started as a student peaceful demonstration, in which students expressed that he was unwelcome at the university. The situation escalated to the extent of throwing stones, when the French Prime Minister repeated his description of Hizbullah as a terrorist organization.<sup>19</sup>

In the aftermath of these two events, the PNA adopted several extreme and severe measures against those who were involved. It described the two events as a threat and treason of the Palestinian national aspirations. So, it would be fruitful to review in detail the measures, which the PNA took in the aftermath of each of the above events.

### **The Measures Taken by the PNA in the Aftermath of the Statement of the Twenty:**

Immediately after issuing the Statement of the Twenty, the PNA took several severe measures against those who signed it. On November 28, 1999, Palestinian security forces imposed house arrest on Bassam El-Shaka'a, Ex-Mayor of Nablus, and Wahid El-Hamdallah, Ex-Mayor of Anabta. On the same day, GIS summoned and interrogated Esmat El-Shakhshir for the same reason. They also arrested Dr. Abdelsattar Qassem, Professor of History at An-Najah University in Nablus, Dr.

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highlighted had been already mentioned and asserted in the report of the State Comptroller, and that the article included praise and defense of the PNA and criticism for NGO's. Dr. El-Sarraj was released at about 4:30 p.m. of the same day.

See statements of LAW and Amnesty International on February 29, 2000.

Abdelrahim Kettaneh, Dr. Yasser Abu Safia, Member of the Board of Directors of Union of Health Work Committees, Dr. Adel Samara, a researcher and expert of economics, Ahmed Qatamesh, Member of the Political Bureau of PFPL, Ahmed Shaker Doudin, and Adnan Oudeh, a researcher at the Palestinian Parliamentary Research Unit. On November 31, 1999, house arrest of El-Shaka'a and El-Hamdallah was lifted. On December 18, 1999, all the above detainees were released except for Dr. Abdelsattar Qassem and Ahmed Shaker Doudin, who were moved on the next day from Nablus Prison to the GIS prison in Jericho.<sup>20</sup> They were released several days later. On February 18, Dr. Abdelsattar Qassem was arrested again by the Criminal Investigation Unit of Nablus, and it was commonly believed that the arrest was because of the Statement of the Twenty too.<sup>21</sup>

On the other hand, Dr. Ma'awia Al-Masri, Member of the Palestinian Legislative Council and one of the signers of the Statement of the Twenty, was assaulted by three covered men; one of them shot him. He was injured in his leg and was moved to hospital. The event occurred when Dr. Al-Masri arrived in Nablus after a closed session of PLC, which was convened on December 1, 1999 to discuss the subject of the statement. On December 16, Abdeljawad Saleh, Member of PLC, Ex-Minister of Agriculture and one of the signers of the statement, was severely beaten by a force of GIS in Jericho. PLC Member Saleh stated that he was participating in a peaceful sit-in in front of the GIS prison in Jericho, in protest to continuing detention of a number of national figures on the ground of the above statement. He asked the chief of GIS to allow him and the other participants to visit the detainees. He was called to the prison in a way which gave him the impression that they agreed to his demand, but he was taken to a room where he was beaten by members of GIS.<sup>22</sup>

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For more details, see the *Annual Report of PCHR* (the Activity Report and the Financial Report: 31 Dec. 1998 - 31 Dec.1999), p.130.

See the press release of Al-Haq on Feb.22,2000.

On January 11, 2000, PLC Member Abdeljawad Saleh appealed, through the Council of Palestinian Human Rights Organizations, to Attorney General against chief of GIS prison in Jericho, as he is the one who is responsible for the assaulters. He demanded to prosecute those who were involved in the event. On February 8, the Council of Palestinian Human Rights Organizations sent a message to all relevant parties, in which it stated that three weeks had passed since submitting the complaint, "but we have not seen any serious step by Attorney General. All what we have been informed of is that His Excellency the Attorney General sent a notice to chief of GIS, in which he asked him to intervene and work towards punishing and prosecuting the assaulters." This was the same in the verbal message of Deputy Attorney General to the representative lawyer of PLC Member Saleh in their last meeting on February 6, 2000. So, the council expressed its concerns that "the office of Attorney General does not take necessary steps to trace the subject. Thus, procrastination became an adopted policy to bury the case, despite its danger as it represented an aggression on parliamentary immunity and human rights to free expression and assembly." See the *Annual Report of PCHR* (the Activity Report and the Financial Report: 31 Dec. 1998 - 31 Dec.1999), p.130, the statement of Al-Haq on November 29, 1999, the complaint of PLC Member Abdeljawad Saleh on January 11, 2000, and the message of the Council of Palestinian Human Rights Organizations to relevant parties on February 8, 2000.

In fact, the assaults against PLC Members Al-Masri and Saleh were met with wide condemnation on both the official and public levels. In his comment on the assault against PLC Member Al-Masri, PLC Member Hassan Khureisha, Chairman of the Monitoring Committee at PLC and one of the signers of the statement, stated that “this assault will not terrify us, and any kind of assaults will strengthen our determination to continue our struggle to combat corruption, for independent judiciary and the rule of law, and in the sake of respecting human rights.” Khureisha also called for “immediate investigation to reveal those who committed the assault and prosecute them.” He believed that “the persons who shot fire are Palestinians, but the party which planned it is certainly under suspicion.”<sup>23</sup>

On December 16, 1999, the Council of Palestinian Human Rights Organizations issued a statement condemning the assault on PLC Member Abdeljawad Saleh. The statement called upon Attorney General to take immediate steps against those who committed it. It also called upon PLC to take serious steps in order to ensure the security and immunity of its members.<sup>24</sup> A number of NGO’s in the Gaza Strip condemned the assault in a statement, which also called to prosecute those who committed it. In the aftermath of issuing that statement, the Criminal Investigation Unit in the Gaza Strip summoned a number of members of the organizations which signed the statement, they were: Mohammad Dahman, Director of Democracy and Workers’ Rights Center in the Gaza Strip; Maher Abu Amsha, Chairman of the Board of Taghreed Institution for Culture and Arts; Nasser Kafarneh, representative of Economic and Social Rights Center; and Khalil Abu Shammaleh, Director of Al-Dameer Association for Human Rights in Gaza. They were interrogated for the content of the statement, which the Criminal Investigation Unit opposed parts of it.<sup>25</sup>

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See the *Annual Report of PCHR* (the Activity Report and the Financial Report: 31 Dec. 1998 - 31 Dec.1999), p.130. It is worth mentioning that Hanan Al-Masaw, Coordinator of Human Rights Program at Bir Zeit University and Member of the Board of Trustees of Al-Dameer, was assaulted by unknown persons in Beit Jala for supporting the Statement of the Twenty. See *People’s Rights*, issue 35, Jan. 2000, 3<sup>rd</sup> year, p. 16.

See the statement of the Council of Palestinian Human Rights Organizations on Dec.16, 1999.

At about 8:00 p.m. on Saturday, December 18, 1999, Mohammed Dahman, Khalil Abu Shammaleh and Maher Abu Amsha went the headquarter of police directorate (Jawazat), after they were summoned by the Criminal Investigation Unit on the ground of the statement issued by some NGO’s in the Gaza Strip in the aftermath of assaulting PLC Member Abdeljawad Saleh. They met with Brigadier General Mahmoud Saqer. During the meeting, Saqer opposed the clause “ members of GIS did...” and asked for substituting it with the clause “unknown persons did...” Saqer also added that there was no evidence that could prove the correctness of PLC Member Saleh’s narrative, but they asserted that there were many proofs, such as the testimony of the lawyer of Democracy and Worker’s Rights, the narratives of those who participated in the sit-in, and that the assault happened in the headquarters of GIS in Jericho. On the same day, PLC Member Kamal Shrafi, Director of Al-Mezan Center for Human Rights, one of the institutions which signed the statement, stated that he came from a meeting, which

### **Measures Taken by the PNA in the Aftermath of the Events of Bir Zeit University:**

On February 26, 2000, 32 students of Bir Zeit University were arrested by Palestinian security forces. The arrest campaign came in response to the event of throwing stones towards French Prime Minister Lionel Jospin in protest to his statement, in which he considered Lebanese resistance an action of terrorism. In fact, those students were arrested from inside the campus. They were detained in the headquarters of GIS in Ramallah and in the PSS prison in Jericho. The university administration also decided to close the university for 3 days, thus study would be resumed on February 29, 2000. Then, the administration extended closure to March 1, 2000, while allowing the teaching staff as well as the university employees to resume their work.

The arrests of university students were met by condemnation and denouncement on both the local and the international levels. In a statement they issued, human rights organizations expressed their concerns for arrest campaigns against students, considering them a violation of relevant international conventions and covenants, specially those which asserts the right of education. They called for stopping arrest campaigns and respecting academic freedom.<sup>27</sup> LAW Institution expressed its deep concern for closing the university in a statement it issued on February 28, 2000. It considered that arrest campaigns included students who had no relation to the events. It also called for reopening the campus, forming a committee to investigate the events, canceling the decisions of dismissing some students for their relation to the events, releasing detained students, complying with legal procedures of arrest and not to wage any new arrest campaign against students.<sup>28</sup> In a statement it issued on February 29, 2000, Al-Haq Institution considered arresting students an intervention by Palestinian security services in academic and student affairs, and that the measures taken by the PNA against students were part of the PNA's series of attempts to suppress opposition, and were a violation of the right to free expression. The statement also called upon the PNA to stop arbitrary arrests of students on the ground of the mentioned events, to release detained students who were arrested without complying with legal procedures, to investigate torturing them during interrogation and to

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included about 50 public figures and political powers and parties, waiting for the results of the above-mentioned meeting, and that there was no need for escalation. As a result, they were released after several hours of discussions with officials of the Criminal Investigation Unit on the statement. It is worth mentioning that discussions were quiet, and none of those who were summoned was provoked. (For more details, see the statement of Al-Mezan Center for Human Rights, Democracy and Worker's Rights Center, the Palestinian Democratic Forum, Economic and Social Rights Center, Al-Dameer Institution for Human Rights, and Tghreed Institution for Culture and Arts on Dec. 17, 1999.)

See *Al-Quds* on February 29, 2000.

For more details, see the statement of the Council of Palestinian Human Rights Organizations on Feb. 28, 2000.



prosecute those who were involved in such cases of torture, to respect free expression, and to respect academic freedoms and not to intervene into the affairs of universities, such as Bir Zeit University.<sup>29</sup> Amnesty International expressed its deep concern for arresting students in a statement it issued on the same date. It also expressed its fear of torturing detained students by Palestinian security services.<sup>30</sup>

On March 5, 2000, Palestinian security services released detained students after a presidential decision, as a result of the pressure which the PNA faced on both the international and local levels to release detained students.<sup>31</sup> Four students were released on bail and their cases were remitted to public prosecution, while the other 28 students were released without any legal claims. In his testimony concerning the treatment he received during his detention, Eyad More'eb, a student of Bir Zeit University and spokesman of the released students, asserted that "the treatment he received during his detention at the GIS prison in Ramallah was bad and some students were beaten, but in Jericho treatment was good." He also added, "I wish that the mechanism of arrest will be legal and not arbitrary, and the file of political arrest will be closed as a whole."<sup>32</sup>

In fact, the measures taken by the PNA in the aftermath of the Statement of the Twenty and the events of Bir Zeit University showed the expansion of the social class which received these measures on the ground of exercising the right to free non-factional political belief. After these measures had been taken against academicians and human rights activists,<sup>33</sup> it extended to include university students and members of legislature, which must have the role of lawmaking, and reviewing the PNA's practices. Undoubtedly, this is an expression of the PNA's refusal to allow citizens, whatever their statuses were, to exercise their right to free expression.

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For more details. See the statement of Al-Haq on Feb. 29, 2000.

See the statement of Amnesty International on Feb. 29, 2000.

This campaign was represented by the position of international and Palestinian human rights organizations detailed above, which objected arresting students, in addition to the public position which was clear in marches organized in solidarity with Bir Zeit students, specially those organized by students of other universities (these marches will be detailed in the part concerned with the right to free peaceful assembly.)

For more details, see *Al-Hayat Al-Jadida*, March 6, 2000.

For example, the period of May 1994 - December 31, 1998 witnessed the arrest of several academicians and human rights activists on the ground of exercising the right to free non-factional political belief, among them were: Lawyer Raji El-Sourani, Director General of PCHR; Dr. Eyad El-Sarraj, Director General of Gaza Mental Health Program; Dr. Ayyoub Othman, a lecturer at Al-Azhar University; and Dr. Fathi Sabbah, a lecturer of education at Al-Azhar University. For more details, see the Right to Free Expression and the Right to Peaceful Assembly under the PNA: The Case of Gaza Strip (May 1994 – December 1998), PCHR, study series (18), Sept. 1998, p.77-83.

Palestinian security services continued their measures aimed at restricting the freedom of individuals to exercise their right to free expression. On April 17, 2000, a force of PSS arrested 7 citizens, 6 of them are students of College of Education in Gaza, accusing them of vilifying an official of PSS through a statement distributed at the college and signed by “Nobles of the Youth Movement.” The students who were arrested are: Fuad Abu Nar; Mohammed Al-Bayoumi, residents of Nuseirat; Mohammed Salem, resident of Sheikh Radwan; Mazen El-Sheikh, resident of Khaniounis (not a student of the college); Nedal and Ahmed El-Sheikh Eid, residents of Rafah; and Hazem Farajallah, resident of Jabalia. They were all released later. One of them stated that he was beaten and tortured during his detention.

## **2. Measure against the Right to Free Peaceful Assembly**

This right includes the freedom of convening and participating in public meetings, the freedom of demonstration and organizing marches, and other forms of mass expression. The PNA’s measures on this level includes:

- a. measures pertaining to prohibiting or restricting organizing peaceful demonstrations and marches, and convening public meetings and conferences; and
- b. measures pertaining to arresting or assaulting citizens for participating in peaceful demonstrations and marches or public meetings and conferences.

In order to review the PNA’s measures against the right to free peaceful assembly during the period under study, its measures on each of the above levels should be reviewed.

### **a. Measures Pertaining to Prohibiting or Restricting Organizing Peaceful Demonstrations and Marches, and Convening Public Meetings and Conferences**

In this section, cases which witnessed attempts by the PNA to put restrictions on organizing peaceful demonstrations and marches, and convening public meetings and conferences during the period under study, will be reviewed. The first case was on January 23, 1999, when a force of Palestinian police intervened to disperse a sit-in organized Drivers Union in the Gaza Strip, in protest to a decision of director general of Ministry of Agriculture to use Jordanian trucks, instead of Palestinian trucks, to transport about 35,000 calves and sheep imported from Australia through the Israeli Eilat Seaport, to Gaza Strip.<sup>34</sup>

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On January 20, 1999, in the aftermath of a decision taken by Director General of Ministry of Agriculture Mahmoud Abu Samra to use Jordanian trucks instead of Palestinian ones to transport a number of calves and sheep from Eilat Seaport to Gaza Strip, some Palestinian truck drivers went to the headquarters of Ministry of Agriculture to inquire about the reason of this decision. There, they were informed that the decision was taken because Jordanian drivers took fees less than the fees taken by Palestinian drivers. On January 23, 1999, Drivers Union organized a sit-in before the compound of

January 1999 witnessed an important development in regard to the right to free peaceful assembly. On January 27, 1999, Law (12) on public meetings was put into effect. The law was approved by PLC on September 30, 1997, and it was submitted to chairman of the executive on the same day, who ratified it on December 28, 1998. It is important to review and analyze the law, in order to know the legal context, which was expected to arrange the right to convene public meetings and to organize peaceful demonstrations and marches, and to know the extent to which the PNA complied with the law in letter and spirit.

### **Law (12) of 1998 on Public Meetings:**

The law consists of 9 articles, which deal with the procedures concerning convening public meetings, beginning with the concept of public meeting, passing through the emphasis on the necessity of submitting a written notice to the governor or chief of police of a governate in which a meeting is intended, and ending with the penalty of violating the provisions of law. Deep review of law shows that it works on establishing a wide scope for citizens to convene public meetings, as a form of exercising the right to peaceful assembly.

Article 3 of the law emphasizes the necessity of submitting a written notice to a governor or chief of police before convening a public meeting, without considering obtaining permission or approval of police or the governor a prerequisite. Undoubtedly, this strengthens citizens' exercise of the right to free peaceful assembly, as a written notice ensures citizens' right to peaceful assembly, but connecting exercising such right with obtaining permission as a prerequisite is of great danger on it. In the same context, Article 4-c provided that "without prejudicing the right to meet, the governor or chief of police has the right to put limits on the time and track of the meeting provided in Article 3, for traffic control." It is clear that this article does not give chief of police the authority to allow or prohibit convening a public meeting; police has only the authority to intervene to control traffic in order to keep others' rights and freedoms. The law defines a public meeting as "every public meeting to which at least 50 persons are invited, in a open public place, such as public yards and squares, stadiums, parks, etc." In this case, organizers of a public meeting must submit a written notice to the governor or chief of police. But if a meeting is in another form (for example, the number of invitees its less than 50 persons), its organizers will not have to submit a written notice to the governor or chief of police.

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governmental institutions (Abu Khadra), in protest to the decision. About 50 truck drivers participated in the sit-in; they stopped their trucks in front of the compound, and called for using Palestinian trucks instead of Jordanian ones. In the aftermath of this, police intervened and ordered drivers to move their trucks away, which resulted in verbal quarrels between the two sides. There were no injuries, and no driver was arrested by police. The sit-in ended peacefully.

Accordingly, it can be said that Law (12) of 1998 on Public Meetings is an achievement for the Palestinian people, serves its aspirations of a democratic state, and complies with international standards of human rights, which ensure the right to peaceful assembly. It also reflects the lawmakers' awareness that the right to peaceful assembly is a foundation for democracy. It is an important qualitative step towards strengthening the freedom of convening public meetings, as part of the Palestinian civil and political activities. This can be better understood if we take into consideration that colonial powers sought throughout history to deprive Palestinians of their right to hold public meetings as a form of exercising the right to peaceful assembly, through enacting laws which sought to undermine such perception.<sup>35</sup>

Despite all of this, the period, which followed entering the law into force, witnessed many restrictions aimed at preventing citizens from exercising their right to peaceful assembly, or organizing peaceful demonstrations and marches, or convening public meetings. On June 1999, the PNA refused to grant the Islamic National Salvation Party permission to organize summer camps throughout the Gaza Strip.<sup>36</sup>

On July 26, the Criminal Investigation Unit in Beit Lahia closed a summer camp organized by Al-Ehsan Charity Association in Beit Lahia.<sup>37</sup>

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On the negative effects of colonial powers on the right to free peaceful assembly, see [the Right to Free Expression and the Right to peaceful assembly under the PNA: The Case of Gaza Strip \(May 1994 – December 1998\)](#), PCHR, study series (18), Sept.1998, p14-24.

In June 1999, the Islamic National Salvation Party submitted a request to Ministry of Interior to get a permit to organize summer camps throughout the Gaza Strip, but the ministry informed the party that such permission is under the authority of police. So, the party submitted a request to Major General Ghazi El-Jabali, Chief of Palestinian police, to get such permission, but it did not receive any reply. As a result, the party informed Mr. Zakaria Abdelrahim, Under Secretary of Ministry of Interior, of not receiving a reply by police for their request. After some days, officials of political department of the ministry contacted the party and informed it that a decision was taken by the National Security Council, which prohibited summer camps. The party asked for a written notice of prohibition by the ministry, but it did not obtain such notice. After some days, the party discussed the subject again with Mr. Rashid Abu Shebak, an official of PSS, and Tayeb Abdelrahim, Secretary General of Presidency separately. The two in turn raised the subject with El-Jabali who informed them that the President was the only one who has the authority to decide in this regard. Deputy Secretary-General of the party, Ahmed El-Sa'ati contacted Abdelrahim to inquire about the latest developments. Abdelrahim informed El-Sa'ati that there was no hindrance to organize summer camps and that the party had to refer to El-Jabali. Having obtained permission, the party could organize summer camps. According to available information, there was no problem in this regard.

At about 11:00 a.m. on July 26, 1999, forces of the Criminal Investigation Unit in Beit Lahia came to a summer camp, "Knights' Summer Camp," which was organized by Al-Ehsan Charity Association at Al-Qassam Kindergarten. They informed the supervisor of the camp Mr. Mysara Meima of the order of closure, in the claim of not obtaining necessary permits. It is worth mentioning that Al-Ehsan Charity Association is licensed by Ministry of Interior and Ministry of Social Affairs, and Ministry of

On October 25, 1999, Palestinian police prevented the Women's Affairs Technical Committee in Gaza from organizing a march in protest to firing a lighter factory in Hebron, which resulted in the death of some female workers of the factory.<sup>38</sup>

The situation exceeded this limit when the PNA enacted regulations aimed at destroying any legal cover for the right of free peaceful assembly. On February 29, 1999, after the events of Bir Zeit University on February 26, 1999,<sup>39</sup> Major General Ghazi El-Jabali issued a police order which prohibited convening public meetings without his prior permission. This contradicts Palestinian law in letter and spirit, the law of public meetings in particular, and violates a basic human right to peaceful assembly. So, it is worth discussing this matter and its effects on Palestinians' exercise of the right to peaceful assembly.

#### **The Police Order Issued by Chief of Police to Prohibit Public Meetings without his prior permission:**

On February 29, 1999, Palestinian local newspapers published a police order of Chief of Police, which prohibited public meetings without his prior permission. The order stated that "according to Law (12) of 1998 on public meeting, and without prejudicing the right to peaceful assembly, the following has been decided:

1. All citizens are absolutely prohibited from carrying out marches without prior permission from the Chief of Police. Applications for permission must specify the date, and the route of the intended march>

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Interior was informed in advance about the camp and its costs. (Source: a testimony of Mr. Mysara Meima on July 27, 1999.)

On October 21, 1999, an accident occurred in a lighter factory in Hebron, which resulted in the death of 14 female workers. The accident occurred when a lighter fell from the upper part of the factory on its entrance; the lighter exploded and fire broke out quickly as there were inflammable substances in the factory. It was difficult to save workers as there was no other entrance except for its main entrance, so 14 female workers died. Fatah Movement declared mourning for 2 days, and put responsibility on Hebron Municipality and Ministry of Local Government. It considered the victims of the accident martyrs, and called people to console their families. (For more details, see *Al-Hayat Al-Jadida*, Oct. 22, 1999.) Consequently, on October 25, 1999, Women's Affairs Technical Committee submitted a request to Major General Ghazi El-Jabali, to obtain his permission to organize a demonstration on October 27, 1999, in protest to the mentioned accident, but his office manager Major Hesham Khayal phoned the committee and informed them that they were not permitted to organize such demonstration. As a result, Nadia Abu Nahla, coordinator of the committee, phoned Khayal again and asked him for a written notice of refusal, but he refused. He expressed his surprise of her non-compliance with police orders, explaining that they were aimed at not escalating the situation. (For more details, see the call for a mass demonstration in Gaza on Oct. 25, 1999; the request submitted by the committee to Major General Ghazi El-Jabali to approve the demonstration on the same date; the statement of the committee on Oct. 26, 1999; and a testimony of Nadia Abu Nahla, Coordinator of the committee, on April 18, 2000.

See p. of this report.

2. Holding public meetings is completely prevented without a prior permission of chief of police, in which the place, date, time and organizer of the meeting are specified.
3. According to Article 6 of the Law on Public Meetings, and without prejudicing any other penalty provided in the penal law, anyone who breaches this will be punished by a term of 2 months imprisonment in maximum, or have to pay a fine which does not exceeds 50 JD or equivalent in other currencies.
4. Chiefs of police of governates must take necessary legal measures relevant to their authorities against violators, and must inform us of the procedures.”

In fact, the above-mentioned order clearly contradicts Law (12) of 1998 on public meetings, which asserts in Article 3 (as can be noticed in another place of this report) the right to convene public meetings without the obligation to obtain prior permission, and that it is enough to submit a written notice to the governor or chief of police 48 hours before convening the meeting. Such notice ensures the right to peaceful assembly, but considering the permission of police as a prerequisite for convening a public meeting restricts such right.

The law does not give the governor or chief of police the authorities to permit or prevent holding a public meeting (Article 4-c). It only gives them the right to put controls on the time and track of the meeting provided in Article 3, for traffic control.

Article 8 suspends the Ottoman law on public meetings, which was in effect in the Gaza Strip, the Jordanian law no. 60, which was in effect in the West Bank, and any other provision which may contradict the new law. So, the above police order is invalid, according to this article, as it contradicts the spirit of Law of Public Meetings.

In light of the police order, on February 29, 2000, PSS in the West Bank threatened to arrest some students of Abu Dies College in the West Bank for their intention to go to Bir Zeit University by busses to participate in marches in solidarity with detained university students. PSS considered that they did not obtain permission to organize such demonstrations. Later, a driver of one of the busses, which students of Abu Dies College intended to go by to Bir Zeit University, was arrested. In addition, PSS and GIS put two checkpoints at the eastern and western entrances of the university, to prevent citizens from reaching the university to express their solidarity with detained students.<sup>40</sup>

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<sup>40</sup>“For more details, see the statement of Al-Haq, Feb. 29, 2000.

On April 15, Palestinian police prevented Al-Dameer Association for Human Rights in Gaza from organizing a march, which was intended on April 16, 2000, from the yard of PLC to the streets of Gaza, on the occasion of Palestinian Prisoners' Day.<sup>41</sup>

On April 19, 2000, police ordered about 100 citizens, who were participating in a march organized by the Union of Handicapped in Ramallah, to disperse. The march moved from the headquarter of the union near Sorda, passing by Al-Manara Square (Ramallah central square), to the court of Ramallah, in protest to assaulting a 15-year-old handicapped girl by a 55-year-old man.<sup>42</sup>

### **The Decision of High Court of Justice in Regard to Temporarily Suspending the Police Order of Chief of Police on Public Meetings:**

On April 29, 2000, the High Court of Justice decided to temporarily suspend the decision taken by Chief of Police, which prohibited convening public meetings without prior permission. This decision came after lawyers Raji El-Sourani and

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On April 12, 2000, Al-Dameer Association for Human Rights, submitted a request to Major General Ghazi El-Jabali, Chief of Police, to obtain his permission to organize a solidarity march on the occasion of Palestinian Prisoners' Day. At 11:00 a.m. on Saturday, April 15, 2000, Mr. Khalil Abu Shammaleh, Director of Al-Dameer, received a phone call by Major Mahmoud Saqer, Officer of Political Security in police, in which he was informed with prohibiting the organization of such march, and that if he wanted to get more information, he should go to the headquarter of political security in police directorate. At about 12:00 p.m. on the same day, he went there where he met with Saqer, who asserted the refusal and refused to give a written notice of this. The meeting extended to about 30 minutes without succeeding to obtain permission for the march. (For more details, see a copy of the request of Al-Dameerr Association for Human Rights submitted to Major General Ghazi El-Jabali, Chief of Police on April 12, to obtain his permission to organize a march in solidarity with Palestinian prisoners, and the statement of the association on April 16, 2000.)

On April 13, 2000, a 15-year-old handicapped girl was assaulted by a resident of Ramallah near Al-Ama'ri Refugee Camp. Following this, the Union of Handicapped contacted PLC Member Hatem Abdelqader to inquire about the event. The union knew that a 55-year-old man of Ramallah was the one who committed the assault. In reaction, on April 19, 2000, the union, in cooperation with institutions and organizations interested in the affairs of handicapped, organized a march to express condemnation of the assault, and to prompt families who face similar assaults on their handicapped children to contact interested institutions to trace such cases. The march moved from the headquarter of the union to the court of Ramallah to convey a message, which included the demands of the union concerning prosecuting the culprit and punish him severely, to judiciary bodies. Police of Ramallah had already permitted the march and controlled traffic in order not to obstruct it. But when the march arrived at the court, about 8 policemen intervened and asked participants, who intended to do, to disperse. It is worth mentioning in this context that the union had submitted a request to police to organize the march, but police informed them that there was no need for the march, as the victimizer was arrested and would be prosecuted. But the union refused this and organized the march as a means of pressure on officials of the PNA to take necessary steps to ensure implementing the rights of handicapped law, and to express their refusal of such phenomenon. It is worth mentioning too that the case was remitted to the State Security Court. The union refused that action and asserted the necessity of remitting the case to civil courts. (Source: a phone call by Ziad Abu Amr, Chairman of the Union of Handicapped.)

Younis El-Jaro claimed to the High Court of Justice on April 23, 2000, against Chief of Police represented by Attorney General, on behalf of political powers and NGO's in order to:

1. take a decision to temporarily accept the claim and to obligate the respondent to clarify his reasons of the order published in *Al-Quds* on February 29, 2000, concerning public meetings,
2. temporarily suspend the decision until the judgement of the arraignment, and
3. take a definitive decision to suspend the challenged order of Chief of Police.

This came after a consultative meeting of political powers, and NGO's and their central committee. The meeting was held on March 13,2000, upon a call by PCHR, to consult on possible means to face the order of Chief of Police, which prohibited convening public meetings without prior permission. Representatives of PFPL, PCHR, Al-Mezan Center for Human Rights, Democracy and Workers' Rights Center, and Al-Dameer Association in Gaza, in addition to PLC Member Kamal Shrafi, participated in the meeting. Participants concluded that the order of Chief of Police was illegal, and contradicted the letter of Law (12) of 1998 on public meetings, which ensures the right to convene public meetings without prior permission of police. The law provides that chief of police should be informed with the intention to convene a public meeting in order for him to take necessary steps to control traffic, not in the aim of obtaining his permission to convene the meeting. As a result, participants decided to refer to the judiciary to contest the order of Chief of Police, and to sue out a judgement to suspend the mentioned order. Lawyers Raji El-Sourani and Younis El-Jaro were chosen to represent political powers and NGO's in the claim.<sup>43</sup> Despite the fact that the court's decision to temporarily suspend the decision of Chief of Police, which prohibited convening public meetings without prior permission, is considered a positive step towards strengthening the exercise of the right to convene public meetings as a form of exercising the right to peaceful assembly, this step will not be complete unless a decision is taken by court to cancel the mentioned decision decisively, not just to temporarily suspend it. It was expected that the executive bylaw, which President of the PNA was expected to ratify in order to put Law (12) of

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It is worth mentioning that the meeting resulted in forming a central committee which had the mission of pursuing the legal claim against Chief of Police. The committee consisted of representatives of: 1) PCHR, 2) Al-Mezan Center for Human Rights, 3) Democracy and Workers' Rights Center, and 4) Al-Dameer Association for Human Rights in Gaza. It was agreed that political powers and NGO's would bring suit against Chief of Police. The political powers which participated in the meeting were: 1) PFPL, 2) DFPL, 3) People Party, and 4) Fida. NGO's which participated in the meeting were: 1) PCHR, 2) Al-Mezan Center for Human Rights, 3) Democracy and Workers' Rights Center, and 4) Al-Dameer Association for Human Rights, in addition to some other organizations. (For more details, see PCHR, a summary of the proceedings of the consultative meeting of political powers and NGO's and their central committee on March 13,2000, and a copy of the legal claim by lawyers Raji El-Sourani and Younis El-Jaro against Chief of Police.



1998 into effect, would contain articles which transcend the order of Chief of Police and provide some actions which would make the exercise of the right to convene public meeting as a rule, and prohibiting the exercise of this right as an exception. However, the executive bylaw, which was issued by the President of the PNA on April 30, 2000, was against such expectations and disappointing, considering that it put more restrictions, added to the restrictions of the order of Chief of Police, on the exercise of the right to convene public meetings. So, it would be useful to review that executive bylaw, and to discuss its effects on the exercise of the right to convene public meetings as a form of the exercise of the right to peaceful assembly.

### **The Executive Bylaw of Law (12) of 1998 on Public Meetings**

On April 30, 2000, President of the PNA Yasser Arafat, in his capacity as Minister of Interior, issued the executive bylaw of Law (12) of 1998 on Public Meetings. The executive bylaw consists of (12) articles, which define the procedures which must be followed in the case of convening a public meeting in which 50 persons or more participate. Article 9 of the bylaw provides, *inter alia*, that “organizers of a meeting or a march must comply with the provisions of the Presidential Decree (3) of 1998 on strengthening national unity and the prevention of incitement.” This article consists a dangerous violation of the right to convene public meetings, as the Presidential Decree (3) of 1998, which Article 9 of the bylaw calls for compliance with its provisions, is controversial and vague. Article 1 of the Decree states several actions which are considered illegal and punishable by law, including: incitement to apartheid, acts of violence or incitement to violence which endangers relations with other states, forming illegal associations and incitement to violate agreements which have been reached between PLO and other states. In fact, the decree is widely controversial, in regard to its content, and its ability to strengthen the right to free expression. For example, the Decree does not define the meaning of “incitement to violate agreements which have been reached between PLO and other states,” and the limits between a critical or opposed political position towards agreements, and incitement. Is adopting a critical or opposed position towards Interim Agreements considered a form of incitement? If it is so, who has the authority to decide this, the PNA or Israel? It is the same in regard to the concept of “agreements which have been reached between PLO and other states.” The Decree does not define such agreements; are they the agreements which PLO have reached since its establishment, with most, if not all, of which an ordinary citizen is not familiar? It is possible that he or she might violate them without intention, as he or she is not familiar with them. Or are they those agreements concerning the transitional period? In addition, the Decree itself is legally controversial concerning the validity of the agreements it mentions. It is commonly perceived that any agreement a state reaches with another state will not be valid locally or part of the local law unless it is approved by its legislature. The agreements which PLO signed have not been approved by the PLC or the National

Council, so it is not possible that they become part of the Palestinian local law, nor can decrees be issued in regard to them.<sup>44</sup>

Consequently, the demand of Article 9 of the bylaw to necessarily comply with the provisions of the Decree means implied demand to necessarily comply with non-interpretable texts. This undoubtedly paves the way for interpreting Article 9 in the way deemed suitable for the executive, concerning the extent to which “organizers of a public meeting comply with” the provisions of the Decree. So, the executive has the authority to prohibit any public meeting, if it finds this necessary according to its interpretations of the concept of such necessity. That means prohibiting convening public meetings becomes the rule, and permitting them is the exception. This essentially contradicts the philosophy which Law (12) of 1998 on Public Meetings is based on. The core of such philosophy is that permitting public meetings is the rule and preventing them is the exception. The content of Article 11 of the bylaw which provides that “the response of police to the notice mentioned in Article (1)<sup>45</sup> of this bylaw will be a written license, in the formula which Chief of Police decides, handed to the applicator. The written license will include the following:

- a) the name of an applicator,
- b) the subject of a meeting or the aim of a march,
- c) the time and place of a meeting,
- d) the place, track and time of a march,
- e) the security conditions and controls which Chief of Police decide in order to provide protection for a meeting or a march in a way which ensures public safety, and
- f) any other conditions.

It is clear from the above article that after it was required that a notice be submitted to Chief of Police to inform him of the intention to convene a public meeting, without linking convening such meeting with prior permission of Chief of Police, it became about a license for a public meeting. It is also clear that a license will include, *inter alia*, “the subject of a public meeting and the aim of a march,” which is under the exclusive authority of Chief of Police to decide on. If Article (9), which provides that “in accordance with the provisions of the Presidential Decree (3) of 1998 on strengthening national unity and preventing incitement,” is considered, it is possible that Chief of Police may not permit convening a public meeting or organizing a

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The decree was issued by President Yasser Arafat on Nov. 19, 1998. It consisted of 3 articles. It came as part of the PNA’s obligations under the Wye River Memorandum.

Article (1) of the bylaw provides that “procedures and conditions of a meeting, mentioned in Article (7) of Law (12) of 1998 on Public Meetings, will be as follows:

1. A notice must be written and handed to the governor or chief of police.
2. A notice must be submitted at least 48 hours prior to a meeting or a march.
3. The time, place and aim of a meeting or a march must be specified.
4. The notice must include the track and time of a march.

march, justifying that by the non-conformity of the subject of a public meeting or the aim of a march with the provisions of the decree, according to his private interpretations, and based on his exclusive authority to decide the extent to which the subject of a public meeting or the aim of a march complies with the provisions of the Decree. This would be more obvious if it is taken into consideration that the Decree itself is vague in a way, which allows several interpretations of it.

**b. Measures Pertaining Arresting or Shooting People on the Ground of Exercising the Right to Peaceful Assembly**

The period under study witnessed many cases of arresting and shooting people on the ground of exercising the right to peaceful assembly. In August 7-8, 1999, the Criminal Investigation Unit arrested 19 residents of Khaniounis, suspected of participating in the events occurred in the city after a child was kidnapped and assaulted.<sup>46</sup> The same month witnessed the most serious case of shooting people, when Palestinian security forces shot at people in Rfaah during clashes erupted after State Security Court sentenced Rae'd El-Attar, 25 years old of Rafah, to death by firing squad for accusing him of killing Captain Refa't Joudeh, 35 years old of Rafah and a member of PSS; Mohammed Ibrahim Abu Shammaleh to life imprisonment; and Ussama Suleiman Abu Taha to 15 years in prison on the same ground. Palestinian security forces shot at people who demonstrated in protest to these sentences, which resulted in the death of Alla' Joma'a El-Hams, 17 years old of Rafah, due to a head injury, and Khamis Mahmoud Salameh, 17 years of Rafah, due to a chest injury.

On February 17, 2000, 7 children of Zo'rob Square in Rafah were arrested by Palestinian National Security Service and GIS, for being accused of throwing stones and a Molotov cocktail at Israeli patrols on the Egyptian-Israeli borders.

On February 22, 2000, in the aftermath of declaring open strike by teachers of Hebron and Beithlehem in protest to a decision of Ministry of Education to decrease their salaries, pre-university students organized a sit-in before the headquarter of North Hebron Directorate of Education in solidarity with their teachers. As a result Rapid Intervention Forces of police came to the place and used force to disperse students, after they threw stones at the headquarter which resulted in breaking its windows.

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On February 19, 1999, a 6- year-old child of Khaniounis was kidnapped while he was in front of his house; a military-uniformed man got out a white car he was driving, beat the child and forced him to get on the car. The perpetrator went to some place in Khaniounis, where he raped the child. On April 24, 1999, after the perpetrator was revealed, tension escalated in Khaniounis. Wall slogans in the city accused a colonel of the Palestinian Border Forces of committing the horrible crime and called upon the PNA to sentence him to death. Citizens fired tires and closed the Sea Street of the city as an expression of their anger and condemnation of the crime. (For more details, see the press release of PCHR on Feb. 25, 1999.)

About 15 persons, most of them were students, were injured in the events and were moved to A'ali Hospital in Hebron for treatment.<sup>47</sup>

On February 23, 2000, Tareq Eissa, 17 years old of Nuseirat, was arrested by PSS for participating in a peaceful march organized by Hamas in solidarity with Chechnian Muslims.<sup>48</sup>

On April 16, 2000, Khalil Abu Shammaleh, Director of Al-Dameer Association for Human Rights, was arrested by police after the association issued a statement on a decision taken by police to prevent it from organizing a march in solidarity with Palestinian prisoners on the occasion of the Palestinian Prisoners' Day. He was released on April 17, 2000.<sup>49</sup>

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On February 4 and 8, 2000, teachers of public schools in Hebron and Beithlehem declared open strike in protest to a decision of Ministry of Education to discount 12% of their salaries for retirement, and 8% to cover teachers' previous work years. See the statements of Al-Haq and Defense for Children International/ Palestinian Section on Feb. 22, 2000.

On February 23, 2000, Hamas organized a march in which many students of the Islamic University in Gaza and leaders of Hamas, most notably Sheikh Ahmed Yassin, participated. The march moved from the Islamic University to the headquarter of PLC and then to the office of the UN High Commissioner for Human Rights, where they submitted a message to him condemning the Russian invasion of Chechnia. The march ended without confrontations or clashes with Palestinian security forces.

At about 12:30 p.m. on Sunday, April 16, 2000, Al-Dameerr Association for Human Rights received a phone call by Lieutenant Colonel Mahmoud Saqer, Officer of Political Security of police, summoning Mr. Khalil Abu Shammaleh, director of the association, to his office. After an hour, and after Abu Shammaleh did not go, as he did not know about the summon, Saqer phoned again, and Abu Shammaleh went this time. Abu Shammaleh was arrested. He was released on the following day. (Source: a phone call with Mr. Khalil Abu Shammaleh on April 17, 2000.)

## **Conclusion**

This report is an attempt to analyze and assess the performance of the PNA in regard to the right to free expression and the right to peaceful assembly during the period of January 1, 1999 to April 30, 2000. It is the second of its kind, as it comes in continuation of another report of PCHR, published in September 1999, on analyzing and assessing the PNA's performance in regard to the above rights during the period of May 1994 to December 31, 1998.<sup>50</sup> Whereas the first report focused on the Gaza Strip as a case study, the second one has tried to focus on the West Bank in addition to the Gaza Strip, in order to give a more comprehensive view in regard to exercising the above rights under the PNA. This report, like the last one, has focussed on three areas to assess such experience. These areas are:

- 1) the right to free press,
- 2) the right to free expression on the ground of political belief, and
- 3) the right to peaceful assembly.

In order to achieve this goal, laws and bills, which organized the above-mentioned rights during the period under study, have been analyzed and assessed. These are: Law (12) of 1998 on public meetings, which entered into effect on January 27, 1999; the Police Order of Chief of Police concerning prohibiting convening public meetings without his prior permission; the decision of Palestinian High Court of Justice on April 29, 2000 to temporarily suspend the above order of Chief of Police; and the bylaw issued by the President of the PNA, in his capacity as Minister of Interior on April 30, 2000 in regard to the implementation of Law (12) of 1998 on public meetings.

In addition, the report has worked on observing and analyzing cases of violating the right to free expression and the right to peaceful assembly in the West Bank and Gaza Strip, in order to check any development in the PNA's performance in regard to the above rights during the period under study in comparison to the previous period (May 1994-December 31,1998).

Through analyzing and assessing the level of exercising the right to free expression and the right to peaceful assembly under the areas of the PNA's jurisdiction during the period of January 1, 1999 to April 30, 2000, it has been noticed that this period witnessed continuous attempts of the PNA to abort any legal cover that may strengthen exercising such rights. For example, Law (12) of 1998 on public meetings contains articles, which strengthen the exercise of the right to free peaceful assembly, but the order of Chief of Police on February 29,2000 to prohibit convening public meetings without prior permission, and the articles of the executive bylaw of the

President of the PNA ,on April 30, 2000, to implement that law, worked on destroying the essence of that law and making it meaningless.

In addition, the period under study was characterized with the variation of parties which violated the right to free press. In addition to arresting and assaulting journalists by Palestinian security forces, the period under study witnessed assaults and attacks by some families on journalist for exercising their journalistic work and publishing news related to members of these families. It is amazing in the context that the PNA did not take any measures which could ensure that such assaults and attacks would not happen in the future.

During the period under study, social class of those who faced measures of the PNA in regard to exercising the right to free political belief expanded to include university students and members of PLC,<sup>51</sup> after it was limited to human rights activists and academicians. This proves the PNA's refusal to allow people to exercise their right to free expression, whatever their statuses were. This can be clearer if it is taken into consideration that the period under study witnessed shooting by Palestinian security forces on people, which resulted in the death of some people, for exercising some of the above-mentioned rights.<sup>52</sup>

See p. of this report.

See p. of this report.

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## **Recommendations**

In light of the aforementioned facts, and in order to strengthen the democratic process and reinforce the exercise of the right to free expression, and the right to peaceful assembly, the Palestinian Center for Human Rights puts forward the following recommendations

- 1- It is essential that the PLC review the legal framework which organizes exercising the right to free expression, and the right to peaceful assembly in areas of the PNA. There are many laws and decrees that were issued by the PNA which relate to these rights. The Palestinian Legislative Council should work on re-evaluating those laws and decrees to identify to what extent they conform with relevant international standards and covenants. For example, there are laws, such as Press Law of 1995, which was legislated by the PNA in 1995, and the Presidential Decree of 1998, which are related to exercising the right to free expression, and which had a big impact on exercising such right. The PLC should approve the laws and decrees, which conform with international standards and covenants, and cancel the laws and decrees which negatively affect the citizens' ability to exercise these rights. Within this context, it should be noted that PLC, through the Basic Law, was able to legislate articles related to the right to free expression and the right to peaceful assembly. These articles conform with relevant international standards and covenants, and will play an important role if the Basic Law is ratified by President of the PNA, Yasser Arafat, towards reinforcing the exercise of these rights as one of the major and basic human rights for Palestinians. Accordingly, PLC should work out mechanisms for pressuring the President to ratify the basic law, because this is very important for reinforcing the exercise of the right to free expression, and the right to peaceful assembly.
- 2- PLC should pressure the executive to respect parliamentary immunity of its members, as it was noted that the period under study witnessed several assaults on PLC members by Palestinian security services for expressing their viewpoints. PLC should use all the available means, such as voting of no confidence of government, in case that these violations, which are very dangerous and destroy efforts to reinforce and develop Palestinian civil society, continue.
- 3- The PNA should develop educational curriculum in areas under its jurisdiction. It should focus on university curricula, which should include materials related to democracy and human rights. This may reinforce the principles of democracy and human rights as part of the culture of an important class of Palestinian society, university students. This issue is of great importance since this class will occupy future leading and sensitive positions in the Palestinian society, or become much closer to centers of decision making in society. Therefore, if this class obtains a democratic and human rights education, this may increase the possibility that in

the future, the PNA would adopt policies and measures that support the concepts of democracy and human rights, including the right in free expression, and the right to peaceful assembly. The experience of introducing materials related to human rights and democracy in university curricula could be a starting point for a more comprehensive experience, which is related to introducing such courses in the curricula of various educational stages.

- 4- It is essential for the PNA to promote the education of human rights and democracy among public employees, particularly those who are mandated to implement law, or those who are close to the process of decision making. This could take place through convening courses, workshops and seminars and benefiting from experts in this context in the purpose of increasing awareness among this important class of the Palestinian society. This will undoubtedly create the necessary educational atmosphere inside the PNA's institutions to support the exercise of basic rights, which include the right in the free expression, and the right to peaceful assembly.
- 5- Moreover, as long as media is an essential source of education, it is essential for the PNA to work on developing media programs in various public mass media. These should include materials related to human rights and democracy in the purpose of increasing awareness among ordinary citizens in regard to their basic human rights, which include the right to free expression and the right to peaceful assembly.
- 6- One of the other most important problems noticed in this study is the interference of the Palestinian security services in journalistic work, through arresting and assaulting journalists, and issuing orders to close licensed newspapers. This contradicts Press Law, which was legislated by the PNA on June 25 1995. According to Article 42 of that law, "the competent court will judge all the violations committed in contrast with the provisions of this law, and the Attorney General will be entrusted with investigating the validity of powers and procedures prescribed by applicable penalty codes." Despite the fact that the law does define the nature of the competent court, it certainly does not mean any of the Palestinian security services. Therefore, it is essential that the PNA work on the correct implementation of the law through stopping immediately the security services' interference in journalistic work. Possible offenses of journalists, according to the definition of the law, should be remitted to relevant parties for investigation.