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The Palestinian Centre for Human Rights

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**Report on:**

**Palestinian Violations of the Right to Form  
Associations in the oPt**



**November 2009 – October 2011**



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# The Palestinian Centre for Human Rights

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## ***The Palestinian Centre for Human Rights***

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

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

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

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

## ***International Commission of Jurists***

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

## ***Federation Internationale des Ligues des Droits de l'Homme***

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

## ***Euro-Mediterranean Human Rights Network***

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

## ***International Legal Assistance Consortium (ILAC)***

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

## ***The Arab Organization for Human Rights***

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



## The Palestinian Centre for Human Rights

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

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## Introduction

The Palestinian Center for Human Rights (PCHR) focuses on the development of civil and political rights as a part of its work monitoring the human rights conditions in the occupied Palestinian territory (oPt), which includes the territories under the control of the Palestinian National Authority (PNA). One of the rights that PCHR seeks to develop is the right to form associations. The enjoyment or non-enjoyment of this right reflects the type of society being created and developed. Civil society organizations (CSOs), including non-government organizations (NGOs), played a major role in keeping the Palestinian identity, which was founded during in the Ottoman Empire. These organizations aimed at resisting the occupation and supporting the Palestinians socially and economically. Since their inception, CSOs have contributed to the promotion of the process of community development by offering basic services at the health, agricultural and relief levels. Conversely, CSOs have played a vital role advancing democratic process and political participation.

The creation of an effective and independent community is the only guarantee for the establishment of a democratic society and regime. In so doing, a legal framework in accordance to international standards and therefore ensuring the protection of the right to form associations is required. Legislation enacted with the purpose to control associations is contrary to democratic standards and undermine the very essence of democracy.

To support the right to form associations PCHR observes the violations to this right in the territories controlled by the PNA. In particular, PCHR monitors the measures, decisions and legislations implemented by the PNA that could impose restrictions on that right, which is guaranteed under domestic and international laws. PCHR thoroughly investigates claims of violations against CSOs to determine whether these allegations are based in unlawful acts by the government or not. PCHR offers legal advice to associations and civil society activists regarding the laws and regulations that organize the work of associations. It also provides legal support in restoring the rights in case official bodies had violated them. Ultimately, one of the tools applied by PCHR to confront the violations of the right to form associations is to publish these violations through periodicals and reports.

This report, which is the second of its kind, is issued in light of PCHR's observation of widespread violations on the right to form associations committed against CSOs<sup>1</sup> in Gaza and the West Bank. These violations are located against the backdrop of the prevailing Palestinian fragmentation since June 2007. In particular, this report deals with violations committed between November 2009 and October 2011. Thus, it continues the work of the first report on violations of the right to form associations issued in November 2009, which covered the period from mid June 2007 to the end of October 2009. The first section of the present report discusses the right to form associations in accordance with the relevant international standards, while the second part discusses the domestic legislation that organize the work of associations under the PNA, including decisions and decrees issued after the fragmentation between the West Bank and Gaza Strip. The third part addresses the violations against the right to form association in the Gaza Strip and the West Bank. Finally, the fourth part presents a number of conclusions and recommendations to the two governments in Gaza and in Ramallah.

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<sup>1</sup>This report does not address violations against international organizations operating in the oPt, which would include measures recently taken by the Ministry of Interior in Gaza against these organizations. Such violations are out of the scope of the present report and need to be addressed in detail in a separate research.

A reconciliation agreement was signed between Hamas and Fatah in Cairo on 04 May 2011. It was expected that this agreement would positively affect the human rights conditions in the area controlled by the PNA, and that a black era on the Palestinian history would have ended; a black era that negatively affected all aspects of life. It was also expected that the following phase would witness positive steps to restore respect to SCOs, including undoing all illegal measures undertaken against them during the fragmentation period. The most prominent of these measures is the re-opening of all the associations that were closed for political reasons in violation with the law, and to reconsider the legislation and decisions that imposed more restrictions on the work of associations. Unfortunately, the violations against associations have persisted and increased. New legal restrictions and legislations that would harm SCOs and undermine their independence have been implemented. This matter will be discussed in detail throughout this report.

### **The Right to Form Associations in Accordance with International Standards**

All democratic regimes must protect the fundamental right to form and join associations, by law and practice. Individuals must also be allowed to exercise that right which enables a group of individuals to establish associations of all types and allows anyone to be a member of these associations.

International human rights law instruments placed great emphasis on the right to form associations and trade unions, locating it in core of human rights documents. Article 20 of the Universal Declaration of Human Rights<sup>2</sup> stipulates that:

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 23 of the Universal Declaration of Human Rights provides that: "... (4) Everyone has the right to form and to join trade unions for the protection of his interests."

Article 22 of the International Covenant on Civil and Political Rights<sup>3</sup> stipulates that:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

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<sup>2</sup> The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948.

<sup>3</sup> Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Entry into force: 23 March 1976, in accordance with Article 49.

The right to form associations is also provided for in the International Covenant on Economic, Social and Cultural Rights which, in Article 8, stipulates that:

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

The above texts, taken from central international human rights law instruments, illustrate that the right to form associations is clearly at the foundations of human rights law. This is evidenced by the fact that the abovementioned instruments require States to develop this right, to make conditions appropriate to protect and enforce it and to ensure its enjoyment by groups and individuals without discrimination of any type. They also forbid any intervention by States and governments in the affairs of associations and unions. States parties to the said instruments have the obligation to refrain from taking any action that may illegally and unjustifiably restrict individuals' enjoyment of their right to form associations and unions. Obligations placed on States also include refraining from any attempt to influence individuals in any way that may prevent their free enjoyment of their right to form associations. Any intervention made by the government to restrict the enjoyment of this right must be in conformity with the law and only when absolutely necessary. States must protect all times the right to form associations and unions and must not prejudice this right.

## **Legal framework regulating the right to form associations in Palestine**

The PNA followed its predecessors in their attempts to dominate and restrict the activities of SCOs. It inherited all the legislations relevant to the work of associations enforced since the Ottoman period. These involved laws such as the Ottoman Law of Charitable Organizations of 1907 and its amendments, laws of the British Mandate of Palestine (1917-1948), Jordanian rule of the West Bank, Egyptian rule of the Gaza Strip and Israeli Military Orders since 1967. In particular, the Companies Law No. 18 of 1929 is still applicable in the oPt as many charitable associations were registered as non-profit companies in accordance with this law. PCHR was established in 1995 and therefore was registered under this law.<sup>4</sup>

During the few first years after the creation of the PNA, efforts were exerted to reformulate the legal framework that organizes the work of associations. However, this work proceeded slowly. The first step taken by the PNA, several years after its creation, aimed at enhancing their control over the work of local associations by imposing more legal restrictions to the already existing. On 10 September 1995, the PNA Advisory Legal Opinion (Fatwa) and Legislation Office presented a draft of law on charitable associations, community organizations and private institutions. The ratification of this law was scheduled for 14 October 1995, but President ‘Arafat postponed the ratification in response to calls made by CSOs. In general, associations perceived the said law as an attempt by the PNA to control and restrict their work. These organizations also considered that the said law did not meet the needs of the civil society organizations.<sup>5</sup> After the formation of the Palestinian Legislative Council (PLC) in 1996, the PNA intensified efforts to reformulate the legal framework that regulates associations. Associations worked to ensure that the law enacted provided protection and ensured independence for the CSOs operating under PNA rule. Meanwhile, the PNA agenda was focused on ensuring its control on associations through the law under drafting. In 1998, the PLC passed the Law of Charitable Associations and Community Organizations. PCHR had reservations on the Law, because of its form and content. Approximately three years later, the executive bill of the Law of Charitable Associations and Community Organizations was enacted in a questioning way and leaving major concerns by associations unheard. Later, in 2003, the Palestinian Basic Law, which ensured the right to form associations and trade unions, was issued.

### **The Palestinian Basic Law**

The Palestinian Basic Law (PNA Temporary Constitution), which was amended in 2005, ensures respect for human rights, freedoms and public rights. It explicitly ensures the right to form organizations and trade unions. Article 25 (3) states: “Organization of unions is a right that shall be regulated by the law.” Article 26 stipulates: “Palestinians shall have the right to participate in political life, both individually and in groups. They shall have the following rights in particular:

To form, establish and join political parties in accordance with the law.

To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law”.

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<sup>4</sup> PCHR viewed that this law provides work conditions that ensure reasonable amount of independence away from interventions of the authorities.

<sup>5</sup> PCHR published a critical study on this proposed law titled “Critique of the Second Palestinian Draft Law Concerning Charitable Societies, Social Bodies, and Private Institutions of 1995”, first edition, December 1995.

## **The Law of Charitable**

### **3Associations and Community Organizations no. 1 for the year 2000**

On 16 January 2000, President Yasser 'Arafat ratified the Law of Charitable Associations and Community Organizations no. 1 of 2000. This law was published in the Official Gazette no. 32 of 29 February 2000 and entered into force in March 2000. It was the product of several years of negotiation between the PNA and associations. CSOs exerted pressure and demands through each stage of the drafting and ratification of the Law. Their efforts aimed at ensure protection and independence of their activities. This independence was considered essential for CSOs to play a meaningful role in the creation and consolidation of the PNA. During this process, CSOs requested the Ministry of Justice to be the body responsible for supervising associations and organizations, not the Ministry of the Interior as it was initially proposed. This demand was successfully reflected in the ratified law.

During the negotiation process of the law with the associations it became clear that the executive authorities were keen to pass a law that ensured control over civil society organizations. This was patent in the refusal of President 'Arafat, on 27 December 1998, to ratify the draft law that was passed by PLC after its third reading on 21 December 1998. As a result, the law was not issued within the due legal period. According to the rules of procedure, laws shall be ratified within one month or returned to the PLC with notes within the same due period. In case, the law is not ratified by the President nor referred to the PLC within the stipulated period it is deemed ratified, and it has to be published in the Official Gazette. Nevertheless, the Charitable Associations and Community Organizations Bill remained pending till modifications made by the President were delivered to PLC on 10 April 1999; more than four months later. The most important modifications made to the bill included transferring powers of managing registration and making supervision over CSOs from the Ministry of Justice to the Ministry of the Interior. The PLC convened on 25 May 1999 to vote the modifications proposed by the President. At the time, PCHR considered this PLC session to be illegal and to be in violation of the legislation mechanisms stipulated in PLC Standing Orders. PCHR called for publishing the Law in the Official Gazette without any modifications as according to the legal procedures. In this session, the majority of PLC members who were present voted against the proposed modifications. As many PLC members did not attend the session a discussion was opened on whether the votes of the majority of members present in the session were enough or whether there was a need to have votes from the majority of the PLC members. The matter was referred to the PLC Legal Committee for decision, a step that PCHR considered unnecessary because the session was illegal. On 12 August 1999, following a PLC session to discuss budgetary issues, Mr. Ahmed Qurei', PLC Speaker, announced the decision of the PLC Legal Committee saying that the result of voting of the session of 25 May 1999 was not enough to annul the modifications made by the President. Qurei' added that the Law including all the modifications by the President was in fact deemed in force. PCHR considered the ratification of the Law in this way an attempt to exercise control over the civil society organizations. In a letter sent by the PCHR to the PLC members on 31 August 1999, PCHR stated that the Centre was disappointed in how the PLC dealt with the modifications of the President. PCHR also reiterated that the PLC session of 25 May 1999 was illegal and therefore the decision on the legality of the voting was unnecessary.

Although the Law of Charitable Associations and Community Organizations includes many positive provisions, it allows the executive authorities to intervene in the affairs of charitable associations by designating the Ministry of the Interior the authority responsible for the registration of charitable associations. One of the major fears shared by CSOs was the possible interference by the security services. These concerns were supported by the ambiguity of the powers retained by the security services. The Law of Charitable Associations and Community Organizations was issued two years before the Palestinian Basic Law of 2002, which was amended in 2003 and later again in 2005.



Although the Palestinian Basic Law ensured the right to form associations, to effectively protect this right an adequate law that regulates it needs to be enacted. In general, the Law of Charitable Associations and Community Organizations undermines the right to form associations which as mentioned is ensured by the Constitution. Therefore, it needs to be modified in accordance with the Constitution and the relative international standards.

### **The Executive Bill of the Law of Charitable Associations and Community Organizations no. 1 of 2000**

Article 44 of the Law of Charitable Associations and Community Organizations, which was issued in January 2000 and entered into force on 31 March 2000, stipulates that: "The Minister of Interior will issue the forms necessary for the implementation of the provisions of this Law." However, the publication of the executive bill was delayed until November 2003. Although in conformity to the Law of Charitable Associations and Community Organizations, this bill imposed further restrictions on the work of the charitable associations and CSOs. PCHR and other CSOs had reservations on the bill, especially regarding the authority responsible for the registration and the supervision of associations.

### **Decisions and Decrees Issued Following the Fragmentation**

During the reporting period, there were no changes at the level of the Basic Law, including all legislations that regulate the right to form associations in the oPt. In other words, the amended Basic Law of 2005 and Law of Charitable Associations and Community Organizations no. 1 of 2000 remained the legal reference that regulates the work of associations. However, the reporting period witnessed additional legislations (ministerial decisions and presidential decrees) that imposed additional restrictions on the right to form associations. Besides, the decisions adopted after the fragmentation between Gaza and the West Bank took place in mid June 2007, more restrictions on the right to form associations were imposed. The decisions following the fragmentation included presidential decrees, ministerial decisions and government circulars issued by the two parties to the conflict (the two governments of Gaza and Ramallah). These decisions constituted the first step by the two parties to legitimize their control over SCOs.

### **Ministerial Decisions and Presidential Decrees Issued in the West Bank**

On 20 June 2007, the Palestinian President Mahmoud 'Abbas issued a new decree on charitable associations and SCOs. This decree was issued upon the state of emergency that declared by President 'Abbas on 14 June 2007. Article 1 of the decree provides that the Minister of Interior "has the power to review all the licenses of associations and institutions issued by the Ministry of Interior or by any other government body." Article 2 grants the Minister of Interior or whomever he assigns as a representative the right to "take the necessary measures to close any association to rectify its legal status, or to take any other necessary measures." Moreover, Article 3 states that: "All the associations and institutions have to present new applications to obtain new licenses within a week from the date of issuance of the decree. The necessary legal measures will be taken in case of noncompliance."<sup>6</sup> This decree constitutes a great

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<sup>6</sup> To enforce the decree on 02 July 2007, the undersecretary of the Ministry of the Interior, Amen Maqboul, called upon the charitable associations to quickly rectify their legal status no later than one week from the date of issuance of the said presidential decree and in accordance to it. Maqboul requested the associations registered at the Ministry of Interior to submit applications to the Ministry to obtain a letter signed by the undersecretary of the Ministry in order to activate their bank accounts. Maqboul also requested the registered associations to head to the Ministry to fill in its forms and submit them within the previously mentioned deadline. Besides, he called upon the associations in the West Bank that were registered at the Ministry of Interior of Gaza "to apply for new registration to complete all the necessary measures to rectify their legal status. The applications had to be presented ... [within the said period] or they will be in violation of the

prejudice to the right to form associations, which is a basic human right that is guaranteed under the amended basic law of 2003. By besting the Ministry of Interior with new powers over associations, the decree increases the restrictions under the Law of Charitable Associations and Community Organizations issued by PNA in 2000.

### **Decision of the Council of Ministers in Ramallah no. 8 of 2007 Concerning Associations and Organizations Carrying out Unlawful Activities**

On 20 June 2007, the Palestinian Council of Ministers in Ramallah issued a decision no. 8 of 2007 on associations. The decision was issued upon a presidential decree no. 16 of 2007. Article 1 of the decision grants the Minister of Interior the freedom "to immediately take the necessary measures against associations and institutions that carry out unlawful activities, and to take the necessary measures to stop these activities." This decision imposed additional restrictions on the right to form associations in the oPt. Besides, it is considered similar to the decision of the former President of PNA regarding licenses of associations, and gives the Minister of Interior additional powers that were not granted to him under the Law of Associations of 2000 as a step towards controlling charitable associations and community organizations.

### **Decision of the Minister of Interior in Ramallah Government no. 20 of 2007**

On 30 July 2007, the Interior Minister, Abdul Razzaq al-Yahya, issued decision no. 20 of 2007, demanding the General Administration of NGOs and Public Affairs to take the following actions: "First: a. send letters to the concerned security body on charitable associations and community organizations, demanding registration with the competent departments at the Ministry of Interior, b. send letters to the concerned security body on associations that are registered but that have not underwent security check ..."

This decision is considered a practical implementation of the presidential decree on licenses of associations and the Prime Minister's decision on associations through granting new powers to the Interior Minister.

### **Decision-law n. (6) of 2011**

On 27 April 2011, President Mahmoud 'Abbas issued a decision no. (6) of 2011 to amend the Law of Charitable Associations and Community Organizations 1/2000. Article 2 of the decision modifies article 39 of the law as follows: "In the event that an Association or Organization is dissolved, a waged liquidator is appointed who prepares an inventory of its funds and assets. [...] The Ministry will transfer the funds of the dissolved Association or Organization to Associations and Organizations of a similar purpose, taking into account the pensions, allowances and rights of the employees of the dissolved Association, and these would be exempted from the transfer."

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law." Finally, Maqboul said that "the active charitable associations in Palestine that are not registered or have not rectified their legal status ... are considered in violation of public law," more specifically "they have to apply for a new registration within one week to be considered by the Ministry, otherwise, the association will be dissolved in accordance with the law."

The full text of article 39:

In a manner not contrary to the provisions of this Law, in the event that an Association or Organization is dissolved, a waged liquidator is appointed who prepares an inventory of its funds and assets so that they may be dispensed with in accordance with the procedures drawn up in its By-Laws; in the event that the By-Laws make no reference to the manner in which the funds (of the Association or Organization) will be dispensed, the Ministry will transfer the funds of the dissolved Association or Organization to Associations and Organizations of a similar purpose, taking into account the pensions and allowances and rights of the employees of the dissolved Association, and these would be exempted from the transfer.

In the event that an Association or Organization is dissolved, all its monetary and in-kind funds and assets will be transferred to a Palestinian Association similar in its objectives, to be named by the dissolved Association or Organization.

Under all circumstances, the funds and assets of the dissolved Association or Organization should be spent in accordance with its purposes within the borders of the Palestinian territories.

It should be noted that the content of the decision-law violates the original applicable law, especially regarding appointing a liquidator "of the association by the PNA to transfer the funds to the PNA's treasury or to associations and organizations of a similar purpose." It appears that this decision-law had surpassed the original law paving the way for increasing the restrictions on associations.

### **Decisions Issued by the Gaza Government**

During the reporting period, Gaza government imposed more administrative restrictions on the right to form associations. All the decisions taken were in violation of the Basic Law and the Law of Charitable Associations and Community Organizations, besides, they directly prejudice the work of associations. These decisions attempted to increase the governmental control on associations. Below is presented an account of the measures adopted by the Gaza government since 2007.

### **The Unified Financial System of NGOs, International Organizations and non-profit Companies**

In 2009, the Interior Minister in Gaza issued a unified financial system for NGOs, international organizations and non-profit companies and obliged the concerned institutions to comply with it. This system violates the Law of Charitable Associations and Community Organizations no. 1 of 2000, as the Law does not stipulate any unified financial system and left the decision on this matter to the associations themselves. Moreover, this new system constitutes a form of centralization and confiscation of the freedom and independence enjoyed by the associations. This freedom is fundamental to ensure an appropriate functioning of the associations as each of them has its own programs and goals, therefore, their by-laws and financial systems will be different.

### **Decision of the Minister of Interior and National Security in Gaza no. 17/2010**

On 11 February 2010, the Interior Ministry in Gaza government issued a decision no. 17/2010 on "Prevention of Employees from working in charitable associations and community organizations." Article 1 of the decision states that "All employees working in the public sector are prevented from engagement in jobs other than their jobs in the public sector, whether it is paid or not paid and even while off-duty, unless by obtaining a prior permission from the director." Article 2 of the same decision stipulates that "All public and private institutions, charitable associations, community organizations, stores and technical offices or any other profession are not allowed to employ any government employee unless after obtaining a prior permission from the director of the government department, whether the job was on temporary or permanent basis. In the event of violation, it is considered a breach of the provisions of licensing associations and institutions." Article 3 provides that "Any employee who violates the provisions of this decision shall be held accountable and shall undergo the legal penalties provided by this law." Following this decision, on 22 February 2010, the General Director of the Ministry of Interior in Gaza, 'Ahed Hamada, issued a circular on "Prevention of all employees working in the public sector from working in associations and community organizations. This circular is based on the previous decision issued by the Interior Ministry and states the following "1. All employees working in the public sector are prevented from engagement in jobs other than their jobs in the public sector, whether it is paid or not paid and even while off-duty, unless by obtaining a prior permission from the director ... 2. In the event of violation, it is considered a violation of the provisions of licensing charitable associations and community institutions; therefore, any employee who violates the provisions of this decision shall be held accountable and shall be subject to the legal penalties provided by this law."

\This decision contravenes the Palestinian Basic Law of 2005 and its amendments. In particular, Article 26 of the Palestinian Basic Law guarantees the right to form and join political parties in accordance with law, besides, it guarantees the right to form unions, association, clubs and popular institutions according to the law. Although PCHR understand the prevention of government employees from having a paid job at community organizations, the Minister has no right to intervene in the employees' right to work even if it was voluntary while off-duty.

### **Decision of the Minister of Interior and National Security in Gaza no. 48/2010**

On 11 July 2010, the Minister of Interior and National Security in Gaza, Fathi Hammad, issued a decision no. 48/2010 related to civilians abstaining from joining their jobs in the civil service sector. Article 1 of the decision provides the following: "Civilians abstaining from joining their jobs in the civil service sector are banned from affiliation to general assemblies of charities and civil society organizations, or joining these organizations as employees or as members of their boards of directors." Article 2 of the decision stipulates that "The board of directors of any of the said associations shall not be adopted in the event that any of the civilians abstaining from joining their jobs in the civil service sector is a member of the board".

This decision violates the Palestinian Basic Law and Civil Service Law, and completes the work initiated by the previous decision at preventing public employees from working in a job, whether paid or not paid, at community organizations. It specifically targets those individuals who abstained from joining their jobs in the civil service sector as result of the political fragmentation between Gaza and the West Bank. This reflects that this decision was taken on political grounds, to prevent political rivals to engage in civil society work.

### **Decision of the Council of Ministers in Gaza Concerning the Amendments Made to the Executive Bill of the Law of Charitable Associations and Community Services 1/2000**

It has been revealed recently that a decision was issued by the Council of Ministers in Gaza on 31 May 2011. Although not published yet in the Official Gazette in Gaza, the decision has been coded as Decision No. 3/205/11 of 2011 Regarding Amendment of Council of Ministers' Decision No. 9/2003 Concerning the Executive Bill of the Charitable Associations and Community Organizations Law No. 1/2000. This Decision added two more articles to the Executive Bill. Article (31 bis) stipulates that: "Branches of foreign organizations registered in the Palestinian Territory shall be subject to legal provisions and regulatory measures applied by the Ministry and the Competent Ministry to local organizations." Article (47 bis) reads that: "1. All the branches of local organizations shall provide to the Ministry or the Competent Ministry any documents or papers upon request; and 2. The Ministry and the Competent Ministry shall follow up the activities implemented by the branches of local organizations to make sure that the funds of the said branches are spent for the designated purpose".

This amendment substantially violates the Charitable Associations and Community Organizations Law No. 1/2000.<sup>7</sup> It destroys the essence of the relationship between organizations on one side, and between organizations and the government on the other side. It also grants more power to the Ministry of Interior to intervene into the affairs of organizations. Further, this amendment constitutes an encroachment of the law. Article 6 of the Charitable Associations and Community Organizations Law No. 1/2000 explicitly provides that: "The Competent Ministry shall undertake the follow-up of organizations' activities as it is the most capable to undertake this duty by virtue of its functions." This Article does not grant the competent ministry, which is the Ministry of Interior, any powers to follow up organizations' activities in all circumstances; however, the Article establishes the follow-up duty in a case-by-case basis and in accordance with a letter addressed by the Competent Minister. It reads that "The Ministry may follow up the activities of any organization based on a written reasoned decision taken by the Competent Minister in each case, to make sure that organizations' funds are spent for the designated purpose and in accordance with the provisions of this Law and of the organizations' statute".

### **Decision of the General Secretariat of the Council of Ministers in Gaza not to allow the associations to receive external funding unless by the approval of the Ministry of Interior and the competent authorities**

On 02 August 2011, a news item was posted on the website of the Council of Ministers in Gaza – Secretariat General. It stated that the government "decided not to allow any NGO or non-profit organization to implement any project that is funded by a donor without the approval of the Ministry of Interior, National Security and concerned bodies." Although this news was negated by the government in communications made with the Secretariat General of the Council of Ministers and with the government's spokesperson, it was not officially cancelled. This decision violates the essence of the Palestinian Basic Law and Associations Law. It also undermines the credibility of associations, including the senior ones with an extensive experience of civil work. If this decision is finally applied it will increase the Ministry of Interior powers on NGOs.

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<sup>7</sup> For more details, see PCHR's press release titled "PCHR Calls for Reconsideration of Decision to Make Amendments to the Executive Bill of Charitable Associations and Community Organizations Law No. 1/2000" which was issued on 11 August 2011.

### **Declaration of the Ministry of Interior in Gaza Regarding Travel of Representatives of Programs and Projects of NGOs and Institutions**

On 10 August 2011, the General Department of Public Affairs and NGOs in the Ministry of Interior and National Security in Gaza posted a declaration on its website regarding the travelling of representatives of NGOs through their programs and activities:

*"The General Department of Public Affairs and NGOs in the Ministry of Interior and National Security announces that each person of those wishing to travel through NGOs' programs or projects to the West Bank or abroad has to refer to the General Department of Public Affairs and NGOs not less than two weeks from the date of travel. He/she also has to inform us of the following:*

- *The destination*
- *The period of travel*
- *The purpose of travel, in addition to identifying the program*
- *The target group (a list of names and data of all participants)*
- *The hosting body."*

This decision violates the Palestinian Basic Law and Associations Law of 2000. Moreover, it is considered an unprecedented and unacceptable intervention in the affairs of community organizations. It substantially destroys the essence of the relationship between the organizations and government, which is originally regulated by the Palestinian Basic Law and laws in effect.

### **Violations of the Right to Form Associations in the West Bank and the Gaza Strip**

The Palestinian fragmentation continues affecting all aspects of life in oPt due to the political fragility in the legislative, executive and judicial powers. It has led to an immense deterioration of the human rights situation. In particular those abuses committed by Palestinians, including the violations against the rule of law and public liberties, especially those violations committed against those affiliated to the rival parties (Fatah and Hamas movements). From the outset, CSOs have been involved in the political fragmentation. These organizations witnessed wide-scale violations from the two governments in Gaza and Ramallah. During the internal fighting between Fatah and Hamas in June 2007, CSOs affiliated to each movement were attacked by the other movement's security services. These attacks included violent responses such as bombing and firing. Following Hamas' takeover of the Gaza Strip, the Palestinian President in Ramallah declared the state of emergency under a presidential decree. In this situation, dozens of community organizations affiliated to Hamas were attacked in the West Bank. A total of 103 charitable associations were closed in August 2007 in accordance with a decision issued by the Palestinian Prime Minister in Ramallah, Salam Fayyad. In the Gaza Strip, dozens of organizations affiliated to Fatah movement were attacked by security services in Gaza. The most prominent of these attacks was undertaken in August 2008 against 200 community organizations. These actions have been continued against charitable associations and community organizations in the West Bank and Gaza Strip since. They aimed at practicing control over charitable associations and community organizations.

During the reporting period from November 2009 – October 2011, violations were committed by the two governments against organizations and associations in general. These violations coincided with the

imposition of more restrictions through a series of administrative measures taken by the two governments against associations. As a result, these associations have witnessed an increase of the restrictions imposed to their activities. This part of the report observes the most important and prominent Palestinian violations of the right to form associations in oPt. During the reporting period, violations were committed in an unprecedented manner, especially under the state of fragmentation.

### **First: violations of the right to form associations in the Gaza Strip**

The reporting period witnessed more violations of the right to form associations in the Gaza Strip and more intervention of the Ministry of Interior in the affairs of associations in order to practice control over these associations. These measures were taken against associations affiliated to Fatah movement or those close to it, including social, cultural, sports, and health associations. The violations against associations included media incitement, particularly against human rights organizations, media campaigns to distort those organizations' reputation, closing a number of organizations and charitable associations, dissolution of some associations and confiscation of their assets, intervention in the affairs of boards of directors of the associations, sending summons to those responsible for the associations and raiding some of the associations' facilities by security services. Non-official bodies also committed violations of the right to form associations, mostly in the form of robberies. In the majority of cases, the police did not reveal the results of investigations, which led to an increase in the number of these attacks. It is worth saying that all robberies followed the same pattern.

### **Violations committed by official bodies**

#### **A. Official incitement against charitable associations and CBOs**

During the reporting period, PCHR documented several statements issued by official bodies<sup>8</sup> and reported by the media, which directed charges against CBOs, particularly human rights organizations. Statements made by the spokesman of the Ministry of the Interior, Ihab Al-Ghussein, make the position of the government clear in this regard. In its issue no. 1096, published on 10 June 2010, the Palestine Daily quoted Mr. Al-Ghussein in a press conference on 9 June 2010 as saying: "Influential figures in NGOs surrendered to security services in response to the deadline specified by the Palestinian government in the context of efforts against collaboration with the occupation." Mr. Al-Ghussein added: "We were surprised that a number of these figures hold leadership and important positions in non-governmental and civil society organizations." Besides, "A number of veteran collaborators who were not suspected gave up to security services."

On 15 June 2010 PCHR issued a press release condemning the statements made by Al-Ghussein and considered them as a campaign of distortion and defamation of the work of civil society organizations in the oPt. PCHR demanded a clarification by the government in Gaza on its position regarding these statements, which are reminiscent of the slanderous political discourse and tabloids that were sponsored by the Palestinian National Authority against civil society and human rights organizations in the mid 1990s.<sup>9</sup> As a consequence of this request, official and non-official bodies assaulted PCHR through a

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<sup>8</sup> Furthermore, Palestine Daily published in its issue no. 1078 of 23 May 2010 an article by journalist Mustafa al-Sawwaf titled "Be Lenient with [Palestinian] Human Rights Centers." The article was then published later on many websites close to Hamas. In his article, al-Sawwaf accused human rights centers of submitting to funding conditions. He explained that if these centers do not submit to funding conditions, they "will not receive financial support which constitutes [their] lifeline. Such support also ensures high level luxury gained through the slogans of social justice, equity and fighting of corruption they are calling for." He further made other politicized and unprofessional accusations.

<sup>9</sup> See PCHR press release on 15 June 2010 titled "PCHR Condemns Continued Campaign against Non-Governmental Organizations".

defamatory campaign.<sup>10</sup> On 27 June 2011, a number of local websites published a news item titled "The Palestinian Center for Human Rights Demands Releasing Shalit." In the article they claimed that a Palestinian human rights organization joined Zionist human rights organizations in their demand to release the Zionist soldier, Gilad Shalit, with total disregard both for the suffering of Palestinian prisoners and war crimes committed by the Israeli occupation against them." This assault followed PCHR's signature on a joint statement by international and Israeli human rights organizations on 24 June 2011. The statement demanded that the Israeli soldier, Gilad Shalit, who has been held by Palestinian resistance groups for five years, be treated as a prisoner of war according to international law.

A number of official bodies participated in this assault, including the Ministry of Prisoners and Ex-Prisoners in Gaza. In its press release, the Ministry declared "We do not understand that a Palestinian center is involved in such demands in a time when the occupation has waged a fierce assault against the prisoners and their rights and achievements. This came also in light of statements made by Netanyahu to impose more restrictions on the prisoners and prevent them from the simplest human needs." The Ministry added "Rather, this center should have called upon the international community to put an end to war crimes committed by the Israeli Occupation against prisoners; these crimes that violate the basic rules of the international humanitarian law." In another development, the spokesperson of the Ministry of Prisoners and Ex-prisoners, Reyad al-Ashqar, requested the families of prisoners to hold a sit-in in front of the center's head office in Gaza, to practice pressure on the center's director to reverse his statements and to call upon him to highlight the suffering of thousands of Palestinian prisoners who live under cruel conditions." In a statement to local media, al-Ashqar described PCHR's demands as suspicious and make the life of a "Zionist" prisoner and the life of over 7,000 Palestinian prisoners alike.

## **B. Closure of Charitable Associations and CSOs**

During the reporting period, PCHR documented a remarkable increase of charitable associations and CSOs shut down by the government in Gaza. The majority of these associations were affiliated or sympathizers of the Fatah movement, or administrated by persons close to Fatah or former members of their security services. The government in Gaza undertook these measures under the pretext of financial, administrative and, in some cases moral, issues. In most cases, the government, particularly the Ministry of Interior, failed to follow the necessary legal instruments at rectifying the status of the said associations. The most prominent cases are summarized below:

### **Closure of al-Majd Association for University and College Graduates in Khan Yunis**

On 15 December 2009, members of the Ministry of Interior arrived at al-Majd Association for University and College Graduates in Khan Yunis. They confiscated the keys from the head of the board of directors and shut the association down without any reason. This association, established in 2002, is a non-profit community association that serves a wide range of graduates from Khan Yunis and focuses on women issues.

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<sup>10</sup> A number of non-official bodies, including the Izziddin al-Qassam Brigades, the military wing of *Hamas* movement, Palestinian resistance groups, authors and media officers, participated in this assault and directed accusations against PCHR.



### **Closure of the branch of the Palestinian Youth Association for Leadership And Rights Activation (PYALARA) in Gaza City**

On 28 April 2010, the Ministry of Interior in Gaza closed the branch of the Palestinian Youth Association for Leadership and Rights Activation (PYALARA) in Gaza City. The Public Affairs Department in the Ministry of Interior had informed those who were responsible for the association to necessarily obtain a license from the Ministry of Interior in Gaza City.

Officers of the Ministry of Interior audited the association's files rendered by the individuals responsible of the association in Gaza. No irregularities were found in the audit. Following discussions between the association's administration and the Ministry of Interior, the two parties agreed to re-open the association on 14 June 2011 and to resume its activities. A condition was nevertheless established that the association worked under the supervision of the Ministry of Youth and Sports. The association continued its work as usual.<sup>11</sup> PYALARA is an independent Palestinian youth organization that seeks to create young Palestinian leaders. It works to foster youth awareness of their rights and duties as equal citizens, capable of incurring social and political change, and effectively participate in building a democratic society through specialized media, lobbying and advocacy. The main office of the association is located in Ramallah. The organization is registered at the Ministry of Interior in Ramallah and the sub-office in Gaza is a branch therefore, according to the law, it does not require obtaining a license from the Ministry.

### **Closure of four Charitable Associations in Rafah**

On 31 May 2010, members of the Internal Security Service (ISS) in Rafah raided offices of four organizations, searched them, and confiscated some of their assets. These organizations are: Bonat al-Mustaqbal Association, South Society for Women Health, Woman and Child Development Association, and Sharek Youth Forum. In the evening of the same day, the ISS returned to the offices of the aforementioned associations with members of the Palestinian police and took the offices' keys from the persons responsible for the offices, informing the offices' personnel that ISS had decided to close their associations.

#### **Bonat al-Mustaqbal Association**

On 31 May 2010, ISS members raided the Charitable Association of Bonat al-Mustaqbal in Rafah. The association and other three associations were raided on the same day by ISS and their assets were confiscated. On the same day, ISS members and policemen returned, confiscated the keys of the associations and ordered their closure.

In his testimony to PCHR, Abdul Hameed al-Nahhal, 59, said: "On Monday, 31 May 2010, five members having ISS cards arrived at the Association of Bonat al-Mustaqbal in Kherbet al-'Adas in Rafah. They thoroughly searched the association for approximately half an hour, confiscated some papers, documents and a laptop and then left. In the evening, approximately 12 members of ISS and policemen returned to the association and asked for opening it. They entered and confiscated some of its properties (two fax machines, a laptop, a projector, two printers, files and documents and other assets including tapes and CDs). The security officers closed the association, seized the keys and requested me to sign on a paper that included all what had been confiscated."

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<sup>11</sup> A statement made through phone by Ala' Moqbel, Manager of the association's sub-office in Gaza, on 11 October 2011.

The association was established in 2000 in a rural neighborhood (Kherbet al-'Adas). The board of directors consists of seven members in addition to Abdul al-Hameed al-Nahhal as a head of the board of directors. It offers services to farmers, women and children. Besides, it conducts activities and programs in cooperation with an international organization that offers temporary job opportunities to those unemployed, and organizes awareness programs relevant to women. The association remained closed without a reason until 12 July 2010 when the Interior Minister issued a decision of dissolution.

### **Sharek Youth Forum**

In his testimony to PCHR the employee Yusef 'Atwa Abu 'Amra, 30, an employee of Sharek Forum said: "On 31 May 2010, ISS officers arrived at the premises of Sharek Youth Forum in Rafah located in the building of Rafah Municipal Library. They searched the office and confiscated a computer set. At approximately 20:00 on the same day, I received a phone call from a person, who introduced himself as an officer in ISS, asking me to go to the Forum's office. I went to the office, as I am the supervisor of the Forum in Rafah, and found a number of ISS officers. They requested me, and my colleague Nida' Yassin who was also there, to sign on a receipt. The officers wrote down what had been confiscated from the Forum, took the keys and informed us of the decision to close the Forum. The following morning, I handed them a projector and digital camera." The Forum remained closed until 12 July 2011, when the Interior Minister dissolved all the branches in the Gaza Strip.

### **Woman and Child Development Association**

Woman and Child Development Association was established in 1998 in Rafah by efforts exerted by a group of loyal persons, aiming at the activation of social work towards women and children. Najwa al-Jamal is the director of this association. On 15 July 2010, the association received the decision of dissolution.

### **South Society for Women Health**

The association was established in 2000 in Kherbet al-'Adas. It is directed by Faten al-Nahhal and offers services to farmers, women and children. It was re-opened after 20 days of the closure decision.

### **Closure of the Palestinian Young Parliament**

On 01 June 2010, ISS officers shut down the Palestinian Young Parliament in Rafah. Those responsible for the association were not informed of the reasons behind this decision. The association remains closed since. The Palestinian Young Parliament is an independent association that obtained a license from the Palestinian Legislative Council and works under the supervision of Rafah Municipality. It was established in 1997 by Abdul Ra'ouf Barbakh, who was the first to apply this idea in Palestine. The Palestinian Young Parliament addresses children related issues and promotes freedom of opinion, consultation and democracy among children. It raises awareness of children in several fields and offers the young parliamentarians the opportunity to speak, exchange their views and develop their skills.

### **Closure of the National Reconciliation Commission**

On 01 June 2010, ISS officers closed the National Reconciliation Commission in Rafah without any clear reason. It remains closed since. The Commission consists of an assembly of Mukhtars and reconciliation figures who resolve family disputes in Rafah.

### **Closure of the Popular Committee for Refugees in Rafah**

On 14 August 2010, seven members of the ISS, two of whom were armed and in black military uniform, raided the office of the Popular Committee for Refugees that is located on the first floor of Zo'rob building on Othman Bin 'Affan Street in Rafah. In his testimony, Mohammed Hassan al-Sarafandi, who works in the Popular Committee, stated that ISS members entered the office while he was there alone. They searched the office and confiscated a computer set and approximately 200 certificates of honor to students with high achievement. Then, they gave him a summon order to Zeyad al-Sarafandi, who is responsible for the Popular Committee for Refugees, confiscated the office's keys and left after 30 certificates of honor. The ceremony to distribute the certificates of honor was scheduled on Tuesday, 10 August 2010 at Rafah Sports Club. Following efforts by the Palestinian police to prevent the ceremony, certificates of honor were distributed in the office of the Committee on Wednesday, Thursday and Saturday 11, 12 and 14 of August. The Popular Committee intended to distribute certificates of honor and 250 NIS to approximately 280 students with high achievement in elementary and preparatory UNRWA schools in Rafah.

### **Closure of the office of the Palestinian Peace Coalition in Gaza**

In the beginning of September 2010, the Ministry of Interior in Gaza closed the office of the Palestinian Peace Coalition in Gaza for political reasons. In his testimony to PCHR, Salim al-Hindi, Coordinator of the Coalition in Gaza, stated that a representative from the office of the Director of Associations came to the office of Palestinian Peace Coalition and verbally informed him of the decision taken to shut the office down under the pretext of establishing relationships with Israel. The representative requested the keys of the office. When al-Hindi asked the representative to show a written letter on the decision, the latter said that there was no written letter. Later al-Hindi went to the Ministry of Interior where an officer confirmed that the Ministry had not issued any decision to close the office of the Coalition. Following discussions and intermediations, the Coalition was re-opened after approximately a month of the incident.

### **Closure of the Palestinian Association of Scouts and Girl Guides**

On 09 February 2011, members of ISS informed the representative of the Association of Scouts and Girl Guides in Rafah of the decision to close it under the pretext that the association did not hold a license from the Ministry of Interior in Gaza. This association is affiliated to the PLO and obtained a license from Ramallah. It counts with five sub-offices in the Gaza Strip. In his testimony to PCHR, the association's representative, Iyad Sobhi 'AwadAllah, 39, declared that on 08 February 2011, the Department of Association's Security of ISS sent a summon to 'AwadAllah to go to Abu Khadra Compound in Gaza City on the following day. When he went there, two officers from the Security of Associations received him. They talked about the necessity to obtain a license from the government in Gaza. In the meanwhile, the officers received a phone call (they told 'AwadAllah that it was from the Director of Security of Associations) informing about the decision to close the association and its five sub-offices in the Gaza Strip. They asked him to sign on a bond stating that he did not work in the association under threat of being held accountable otherwise. In August 2011, the association resumed its activities in the houses of its members although the office remained closed since.

### **Closure of the Association of al-Baqiyat al-Salihah in Jabalia**

On 07 April 2011, ISS officers in Gaza closed the Association of al-Baqiyat al-Salihah and its facilities, including a playground, a center for Quran Sciences and a youth club, in the northern Gaza Strip. In his testimony to PCHR, Director of the association, Hesham Salem, declared that the closure decision came one day after the publication of a report by an international news agency and local media in Gaza. The report titled "Gazans Adopt Shi'ism" focused on the phenomenon of Shi'ism in the Gaza Strip and the establishment of the first Shiite shrine in Gaza. Salem stressed that he had not received any official decision from the Ministry of Interior nor even when he approached the Ministry of Interior.

### **Dissolution of Associations and Confiscation of their Contents**

According to article 37 of Charitable Associations and Community Organizations Law 1/2000, an association can be dissolved under the following events:

When the General Assembly issues a decision to dissolve the association. In this case the decision shall be referred to the Ministry once it is issued.

In the event that the association did not actually begin its activities in the first year following its registration, the registration has to be cancelled by the Ministry. A written notice has to be issued prior to the cancellation. This will have effect unless the association was not able to begin its work due to circumstances beyond its control.

In the case that the association violated the core of its statute and did not rectify it within a period of three months from the date of the written notice was to it by the Minister or competent Department. Article 38 stipulates that:

If the Minister issues a decision to cancel the registration of any association, this decision has to be justified and be in writing. The association has the right to appeal the decision before the competent court.

In the event that the dissolution decision was appealed before the competent court, the association has the right to resume its activities until a temporary or final legal decision to stop its activities or dissolution is issued.

During the reporting period, PCHR documented a number of cases in which charitable associations and community organizations were dissolved in violation of the law:

### **Dissolution of the Association of Youth for Palestine**

On 27 January 2010, General Director of the Ministry of Interior in central Gaza Strip, sent a letter to Abdul Rahman al-Qrenawi, Director of Youth for Palestine Association, informing of the dissolution of the said association. This letter was sent upon the decision 1/2010 issued by the Interior Minister on 13 January 2010. The decision was taken under the pretext that the association did not submit the Ministry its budget of 2008. The association licensed in due process in 2006 works in the cultural and social areas and conducts its activities in accordance with regulations. Al-Qrenawi filed a complaint before PCHR. On 02 March 2010, PCHR sent a letter to the Ministry of Interior, explaining the procedures followed to close the association. PCHR called upon the Ministry to explain the reasons behind these actions. It also requested the removal of the said decision and the re-opening of association to allow the continuation of its activities in accordance with the law.

### **Dissolution of the Association of Bonat al-Mostaqbal in Rafah**

On 12 July 2010, the Minister of Interior and National Security in Gaza, Fathi Hammad, issued a decision no. 24 dissolving the association of Bonat al-Mostaqbal. This was notified in a letter by the Director of Public Affairs in the Ministry of Interior in Rafah, Zeyad Abu Nada, to the association's Director, Abdul Hamid al-Nahhal dated on 15 July 2010. He called upon al-Nahhal to refer to the financial liquidator of associations in order to complete the association's liquidation process. On 18 July 2010, the Director General of Associations, Tharwat al-Beik, ordered the Bank of Palestine to freeze its accounts. Later, on 31 May 2010, ISS officers raided the office and closed it without any reason.

The association was established in 2000 and offers services to 13,000 people in the fields of agriculture, employment, psychological support for children and other activities. The association. It implements projects funded by other organizations. Some of its employees work under temporary contracts. Its premises are located on the second floor of a building in Kherbet al-'Adas.

### **Dissolution of Woman and Child Development Society in Rafah**

Following a decision by the Interior Minister, Woman and Child Development Society received a letter from the Director of the Ministry of Interior in Rafah dissolving the society. The letter, dated on 15 July 2010, did not offered the reasons behind that measure. In his testimony to PCHR, Yahya Hassan Mostafa al-Jamal, 54, Director of Woman and Child Development Society, stated: "On 01 June 2010, I received a phone call from a person, who introduced himself as an officer in the Ministry of Interior. He asked me to bring the keys of the society, that is located near the Cairo Amman Bank in Qeshta's building in Rafah, and to go to the society's office. I then called the Director of Associations in the Ministry of Interior in Rafah and informed him of the call and request. I went there with the secretary of the organization Tha'er al-Rakhawi and opened the office. They searched the society and confiscated three computer sets, two screens, three printers, an LCD set and a video camera. While they were inside, I left the place to avoid any argument with them. Before I left, they informed me that the society had been closed. On the following day, I went to the Directorate of the Ministry of Interior and informed them of what had happened. They confirmed that they had nothing to do with those events and that Abu Tareq Abu Nada, Director of Associations in the Ministry of Interior, was the one who contacted me in first instance. Two weeks later, the Ministry of Interior informed me that they [ISS] had returned the equipment to the office of the Ministry of Interior. However, they did not returned equipment to us and told me that they were waiting for Tharwat al-Baik, General Director of Associations to proceed. The situation remained as it is, until 15 July 2010 when I received a letter from the Director of the Ministry in Rafah stating the dissolution of the association upon a decision issued by the Interior Minister. This letter did not show the reasons of dissolution and required the association to surrender to the Ministry the association's record and its belongings". This association was established in 1998 as a charitable association. It obtained a license from the Ministry of Interior; besides, elections of the association were conducted in presence of a representative from the Ministry of Interior in 2008.

### **Dissolution of Sharek Youth Forum in Gaza**

On 12 July 2011, Fathi Hammad, the Gaza government Interior and National Security Minister, issued Decision No. 31/2011 Concerning the Dissolution of Sharek Youth Forum. Hammad reasoned this Decision in Article 1 stating that: "1. The Gaza Branch was not licensed by the Ministry of Interior in Gaza, and 2. The Forum violated public order and morals as concluded after investigations conducted by the Attorney General". This Decision was taken by the Interior and National Security Ministry before the final decision of the High Court of Justice in this regard. In its session dated on 27 June 2011, the

Court accepted the appeal filed by Sharek and demanded "the respondents to explain the reasons preventing the appellant from resuming its activities within 15 days starting from that date."

PCHR refuted the dissolution decision in a press release on 19 July 2011:

The introduction of the Decision reads that following consideration of applicable laws and powers legally granted to the Minister and "with the purpose to maintain the Palestinian social structure and in accordance with the requirements of the public interest, it has been decided ...." to dissolve Sharek Forum. Nevertheless, the maintenance of the social structure is not mentioned in the law as a reason to dissolve an organization. The legal rule explicitly states that: "No jurisprudence may be presented as long as there are legal provisions." In this case, the provisions of the law are explicit as regard to the dissolution of Sharek. The measures adopted breach the law.

The first reason stated in the Decision, as expressed by the Minister, is that "the Gaza Branch was not licensed by the Ministry of Interior in Gaza." This argument is surprising considering that Sharek and its main office in Jerusalem was registered at the Palestinian Authority Ministry of Interior in 2004 and at the Ministry of Youth and Sports in 2005. According to Article 15 (2) of the Charitable Associations and Community Organizations Law No. 1/2000, an Association has the right to open branches within Palestine, thus opening new branches for Sharek in the Gaza Strip does not require new registrations.

The second reason, as expressed by the Minister, is that "the Forum violated public order and morals as concluded by investigations conducted by the Attorney General". Basing the Minister's Decision on investigations conducted by the Attorney General does not have any legal basis as these investigations were conducted in violation of Article 120 (4) of the Penal Code No. 3/2001. This article states that "Detention duration may not, in any case, be in excess of 6 months, otherwise the accused person shall be released unless he/she is referred to a competent court for trial". Thus, the allegations regarding the investigations conducted by the Attorney General are in violation of the law and cannot be considered, especially as six months have already elapsed since the Attorney General announced the opening of the investigations. These investigations cannot constitute any basis for action as long as no indictments were presented to a competent court to take a decision. Additionally, none of the persons who were placed under investigation were required to appear before a judge in accordance with the requirements of the law.

Article 3 of the Minister's Decision is in violation of Article 38 (2) of the Charitable Associations and Community Organizations Law No. 1/2000. This article states that: "If the decision to dissolve an association or organization is appealed before a competent court, the concerned association or organization may resume its activities until a permanent or final court decision is taken to suspend the activities of this association/organization or to dissolve it." Sharek Youth Forum had filed two applications at the High Court of Justice against the Attorney General's decision and filed a third application before the Magistrates Court concerning the imposition of precautionary seizure on Sharek's property.

This dissolution decision is a part of a series of measures conducted against the Forum in the past months. These actions included summons against those responsible for the association, raiding and searching its offices and confiscation of its assets by the security services in different occasions. The most prominent of which was the decision of the Gaza government attorney general, advisor Mohammed 'Abed, on 29 November 2010. This decision ordered the closure of the Forum's headquarters in Gaza City until the investigations on the two branches in Jabalia and Rafah is concluded. The decision no. 153/2010 issued by the attorney general on the temporarily closure Sharek Youth Forum states that "After reading the Basic Law of 2002 and its amendments, the Judiciary Law no. 1/2001, Penal Code

no.74/1936, Associations Law no. 1/2000, we decided: 1) Temporarily closing Gaza branch of Sharek Youth Forum until investigations conducted in a case no. 36/2010 are over. 2) The concerned bodies have to put this decision into effect starting from that date".

In that time, PCHR sent a letter to the Prime Minister in Gaza, Mr. Isma'il Haniya, on 16 December 2010. PCHR called upon the Prime Minister to reopen Sharek Youth Forum and its branches in the Gaza Strip, as the closure decision is considered a clear violation of the Palestinian Law. The letter included a memorandum stating that PCHR has followed up, with great interest, the incidents and procedures that preceded and accompanied the decision issued by the Attorney General in Gaza to close Sharek Youth Forum. Furthermore, PCHR held meetings, on a legal basis, with some ministers in the government and repeatedly tried to meet with the Attorney General in Gaza unsuccessfully as he claimed to be busy.

In the memorandum, PCHR highlighted its legal position regarding the closure of Sharek Youth Forum:

Since the issuance of the closure decision, none of the four persons mentioned by the Attorney General in the media – including the executive manager of the Forum – have been brought before him to be questioned. As a result, PCHR is concerned that the Attorney General will direct charges based upon (pending) investigations carried out by security bodies. Being an independent party, the Attorney General is legally obliged to conduct his investigations and examinations before directing any charges against citizens;

Notably, the police – as judicial officers who work directly under the supervision of the Attorney General – did not detain any person from Sharek Youth Forum despite all the charges announced in the media. PCHR emphasizes that searching Sharek Forum and confiscating computer sets by the security services is in violation of the law, as it happened in the evening when none of the Board of Directors' members was available, according to testimonies of eyewitnesses;

Investigations conducted by the ISS or General Investigation Service (GIS) into the activities of members of the Board of Directors did not prove any administrative or financial violations. Additionally, in accordance with the Societies Act # 01 (2000) such violations may be a reason for the closure of the Forum by the concerned bodies, but not by the Attorney General;

The Board of Directors called upon ISS and GIS to provide them with information on the violations committed by any of the Forum's workers in order to take the necessary legal action. However, their requests were rejected, which indicates that the official bodies had established intention to close the Forum before hand;

PCHR confirms its position that in the event that legal violations were committed by persons working in the Forum, they must be prosecuted according to procedures stated in the Palestinian Law. However, this does not entail the closure of the institution and its branches in the Gaza Strip.

In light of the above, PCHR concluded that the closure decision issued by the Attorney General in Gaza, Mr. Mohammed 'Abed, can only be interpreted as a clear violation of the Palestinian Law, particularly, the Code of Criminal Procedures # 03 (2006). PCHR called upon the government in Gaza to reopen Sharek Youth Forum and its branches in the Gaza Strip, and not to attack the institution when a person, who has a relationship with this institution, is suspected of committing violations against the law.

On 04 August 2011, the Supreme Court accepted the petition filed by the Forum against the Interior Minister's decision in Gaza and obliged him to present his reasons in 15 days. In a new development, the Palestinian Bar Association represented by the vice-president of the Bar Association in Gaza,

Salama Bseiso, joined the defense with Arab and international participation on behalf of Sharek Youth Forum. The court held a session to consider the dissolution on 26 September 2011. The case is still under consideration by the court.

#### **D) Intervention in the Associations' Boards of Directors**

The first paragraph of Article 16 of the Law of Charitable Associations and Community Organizations 2000 provides that "Each association or board of directors consist of not less than seven members and not more than 13 members. The criterion followed for the selection of members and ending their membership is identified in the statute of the association". The third paragraph of article 46 of the Bylaw of the Associations' Law states that "No official body has the right to intervene in the association's meetings, or elections, or activities or to influence it".

It is not permissible for the Ministry of Interior to intervene in the affairs of boards of directors, unless their work violates the public interest.<sup>12</sup> The law and executive bill granted associations the freedom to choose their boards of directors without any intervention from any external party. However, it also excluded certain conditions, under which the Ministry has a right to intervene in the formation of the board of directors temporarily until the elections of new board of directors are conducted. According to article 22 of the law, "When the board of directors is not able to convene for resignation or death reasons, the remaining members shall assume their duties, as they constitute a temporary committee. In the event there was a collective resignation or the temporary committee did not assume its duties as mentioned in Paragraph I of this article, the Minister shall assign a temporary committee from the members of the general assembly to assume the duties of the board of directors for no more than a month and to call the general assembly to convene during that period in order to choose a new board of directors".

During the reporting period, many attempts of ministerial intervention in the formation of boards of directors were witnessed in the Gaza Strip in an illegal manner. These interferences involved honored institutions with an extensive experience in civil and local work. The most prominent of which are the following cases:

#### **Dissolution of the Board of Directors of the Palestinian Surgeons Association in Gaza**

On 01 November 2009, the Interior Ministry ordered the dissolution of the association under the pretext of not have rectified its financial and administrative status. Following this decision, the board of directors presented a plaint to the Minister stating that they could not rectify the status of the association due to the Palestinian internal fighting on place since June 2007. The Minister accepted the plaint and annulled the dissolution ordered in 16 November 2009. The administration received the new decision on 06 December 2009. As a result, the association started the preparations to conduct the elections, which was scheduled on 02 January 2010, with the presence of a representative of the Ministry of Interior to supervise them. Despite the preparations for the elections were ongoing, the Ministry of Interior summoned one of those responsible for the elections to its head office on 30 December and submitted him a letter ordering the cancellation of the elections. The Ministry of Interior also threatened in the letter of using violence in case of non-compliance with the decision. On 02 January 2010, the day announced for the elections, two officers from the Ministry of Interior arrived to the association's

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<sup>12</sup> Article 1 of the executive bill of the Associations' Law defines an association as "An independent entity that is established under an agreement between a number of not less than seven persons, whose aim is to achieve legitimate goals of the public interest without gaining any financial profits to be divided among the members or for personal benefits. The public interest includes that the association aims at offering services to a certain section of people or social or professional section".



premises and requested the association's keys. They took control of the association, assigned a new Board of Directors and called for elections, which took place on 30 January 2010. The national blocs boycotted these elections. The Islamic Bloc of Hamas movement won by acclamation, where Dr. Mofeed al-Mkhalalati, Dr. Sobhi Skaik, Dr. Marwan Abu Se'da, Dr. Abdul Latif al-Hajj, Dr. Bassam Abu Warda, Dr. Nasser Abu Sha'ban and Dr. Ahmed Qandeel all won. Besides, Dr. al-Mkhalalati was assigned as head of the Board of Directors.

### **An attempt to Control the Palestinian Red Crescent Society in Gaza**

A committee was established by the Ministry of Health in Gaza Government to follow up and observe the Palestinian Red Crescent Society (PRCS) and the al-Quds Hospital in Tal al-Hawa neighborhood in Gaza. Five members from this committee approached the Society on 02 March 2010 and took information from the central computer. The Society's administration in Gaza and Khan Yunis declared a labor strike, which excluded the emergency department, in protest.

According to testimony of PRCS Director General, Khaled Abdul Qader Joudah, 45, "At approximately 10:00 on 02 March 2010, five people from the Ministry of Health arrived to the PRCS premises to meet me. They had a written order by the Health Minister, Dr. Basem Na'eem, informing on the establishment of a follow-up committee to observe the activities of the PRCS. They were part of this committee. I met them and explained that PRCS is an independent society part of the international red cross movement, therefore any attempt from the Gaza Government controlled it would cause the exclusion of the PRCS from the international movement. These individuals took all the information from the computers of our administration department. Besides, they visited some departments, the most prominent of which were the Financial Department, Pharmacy stores and warehouses. They stayed in our premises until 14:00. They left after they had taken all they wanted."

This committee had arrived previously to PRCS on 23 February 2010 and asked for searching the Society, but the administration refused to. They returned on 28 February, and again the Director General refused their request. After the event occurred on the 2 March 2012 the PRCS has not witnessed any further attempts by the Ministry of Interior to interfere in the organization's activities.

### **Takeover of Jabalia Sport Club and dissolution of its Board of Directors by the Ministry of Youth and Sports in Gaza**

On 07 April 2010, Dr. Basem Na'eem, Minister of Youth and Sports, issued a decision no. 217 dissolving the organization. This decision stated that investigations conducted by a committee assigned by the Ministry of Youth and Sports, showed administrative and financial violations committed by the administration's organization. Following these findings, the Minister formed a 7-member committee headed by Rasmi Mohammed Jaber to manage the Club during six months. The investigation committee and head of the temporary committee head approached the club at approximately 09:30 on Monday, 12 April 2010. They submitted the said decision to the previous Board of Directors to be signed on. However, Khalil Hmaid, Deputy Director, refused to sign, locked all the Club's rooms and left. Approximately 10 minutes later, the Palestinian Police arrived and smashed all the locks. They also detained seven members of the previous Board of Directors: Mesbah al-'Asqalani, Secretary, Hashem Dahalan, Treasurer, Jihad Abu al-Qumsan, Public Relations' Officer, 'Esam 'Abed, Sport Supervisor, Anwar Abu 'Ebad, Warehouseman, Amjad al-Kordi and Mostafa Abu Z'eiter, Members in the Board of Directors. They remained in detention until 14:00 of the same day.

In his testimony, Jamal Abu Habel, President of Jabalia Club's Board of Directors, said that the club was established in 1951 by UNRWA and offers sport, cultural and social services. However, with the advent

of the Palestinian Authority in 1994, UNRWA delivered this club to local community bodies. Now, it works under the supervision of the Palestinian Ministry of Youth and Sports, but the building still belongs to UNRWA. In fact, UNRWA has been offering services and implementing projects through the club. Abu Habel added that elections of the Board of Directors are conducted every two years and the current Board of Directors' term was renewed by acclamation until 14 April 2010. Abu Habel said that Hamas movement requested him to include three members affiliated to Hamas to the Board of Directors in early January 2010, but he refused, as he preferred not to politicize the club. He told them that they could be members in the Board of Directors through elections. The Club's administration decided to conduct the elections on 26 February 2010 after the general assembly, consisting of 340 members convenes, and after the payment of membership fees. The financial and administrative reports were prepared and the elections committee was assigned. On 24 February 2010, the Ministry of Youth and Sport sent a letter to the Club's administration requesting them to stop the elections due to a complaint filed by members from the general assembly of the club. The said complaint was attributed to a number of general assembly's members, who alleged administrative and financial problems committed by the Board of Directors. The Minister, Dr. Basem Na'eem, assigned a committee headed by Dr. Zakariya al-Hour to open an investigation into the complaint. This committee reviewed the administrative and financial files of the organization, but did not find basis supporting the complaint. On 12 April 2010, the Club's administration was surprised that Dr. Zakariya al-Hour and Rasmi al-Jaber, entered the club and requested the Deputy Director, Khalil Hmaid, to submit the club to the committee. Hmaid refused and the police detained seven members of the Board of Directors. They moved the furniture and equipment inside a room and forced the dissolved administration to sign the transfer of said assets.

Therefore, the administration of the Club issued a press release revealing the latest developments and stressed that since the takeover of the Club, the administration is irresponsible for what is done in the Club by the committee assigned by the Ministry of Youth and Sport. Besides, they called upon the official and non-official bodies to take what happened into account, and they announced stopping work there until the Ministry of Youth and Sport retreats.

In another meeting with him, Abu Habel highlighted that he kept his position as President of the Board of Directors in spite of the dissolution issued by the Ministry of Youth and Sports. Addition, he kept all the documents and stamps related to the Club. Abu Habel considered all the Club's activities suspended until the crisis ends. On the other hand, certain bodies close to the Ministry of Youth and Sports have been still practicing control over the Board of Directors. As a result of this influence, in April 2011, new elections were conducted and bodies close to the Gaza government won the elections by acclamation.

### **Dissolution of the Board of Directors of Women's Programs in Khan Yunis**

On 22 April 2010, officers of the Ministry of Interior informed, So'ad Harb Hejjo, 57, President of the Board of Directors of Women's Programs in Khan Yunis of their unilateral decision to assign a new President for the organization. According to the Minister decision Amal al-Hallaq was declared the new President of the Board of Directors. As a result, the officers changed the locks and handed the keys of the center to Ms. Al-Hallaq. It should be noted that the center includes an occupational center and a kindergarten. In her testimony, the President of Women's Programs Center in Khan Yunis, said:

"At approximately 13:00 on Wednesday, 21 April 2010, I received a phone call from Ehssan 'Awwad, Executive Manager of the activities center, asking me to go to the head office. Officers from the Ministry of Interior were present with other members in civilian clothes, but did not introduce themselves. I immediately headed to the place and found four persons collecting documents of the center. I asked them who were they and what was going on. I told them that if they needed any document, we would give it to them, but they refused to respond. Someone, who introduced himself as a

member of the Ministry of Interior, said: 'You are from Fatah movement.' When he found a picture of Yasser Arafat, he said: 'And that is the evidence.' They continued talking in a provocative way and accused me of directing the center to favor Fatah movement, but that was not true. Before sunset, they took the documents and a computer set and left. They said that they would be back on the following day. At 09:00, I was surprised that two officers from the Ministry of Interior with two veiled women arrived at the center and brought me a decision to assign Ms. Amal al-Hallaq, who was not a member of the center, as the president of the Board of Directors. This decision, signed by Maher Abu Sabha the Director of the Ministry of Interior in Khan Yunis, was immediately put into effect. They asked me to leave and asked the rest of the employees to stay and continue their work. They also changed the locks and send two veiled women to manage the affairs of the kindergarten. Director Ihsan 'Awwad, the accountant Tahani Abu Sabala and the treasurer Amal 'Atiya were summoned to the office of the Ministry of Interior to be questioned on the association's files. They had previously closed the Society of Martyr Bothayna Hejjo and its kindergarten, confiscated its assets and prevented it from practicing its work on 27 July 2008. I was the director of that society as well. I informed UNRWA about these events, as the center was established in 1952 and was under the complete supervision of UNRWA. The center is one of 11 branches throughout the Gaza Strip. In 1992, elections were conducted and UNRWA submitted the center to the local community but kept its supervision over the center. UNRWA receives activity and financial reports on projects implemented through them. The center is interested in women and children. The Khan Yunis two-storey center was built by UNRWA in 1990, and conducts its activities through female volunteers. There is another facility consisting of three floors, which includes a kindergarten. This facility has the capacity to receive 600 children. The center conducts activities training and productive activities in several fields such as: sewing, embroidery, hairdressing, beauty care, literacy, computer, internet, fitness, a library, and a forum in addition to many other projects. There are 15 volunteers in the centre and 25 employees in the kindergarten, who receive their salaries from the kindergarten's own income.

### **Dissolution of the Board of Directors of Women's Programs in Jabalia**

On 14 October 2010, two members from the Ministry of Interior accompanied by the police informed the administration of the Center of Women's Programs in Jabalia of the dissolution of the Board of Directors. The Ministry decision assigned a temporary committee to supervise the affairs of the center. They reasoned this decision alleging that term of the Board of Directors had ended two years ago. Besides, they considered that the center was unlicensed and had committed to administrative and financial violations. The administrative director of the center said that the Board of Directors consists of 7 members 2 of which had withdrawn in its last term that ranged between September 2006 and September 2008. The Board of Directors continued practicing its work under the Palestinian fragmentation, in which elections cannot be conducted. The administrative director added that two persons from the Ministry of Interior had come to the center in April 2010 and reviewed all the administrative and financial documents and the furniture records. They visited the center for four days and did not returned until 14 October 2010. On that day, they entered the center with a police car without any prior warning. They informed the Board of Directors of the dissolution decision and the assigning of a new Board of Directors headed by Ghada al-Mzayen. They also informed the employees that they were free to stay or leave. The employees were given four days to refer to the donors of each project. The police officers explained that the Board of Directors was dissolved for administrative and financial irregularities and for not obtaining a license from the Ministry of Interior.

### **Dissolution of the Board of Directors of Women's Programs in Beit Hanoun**

On 14 October 2010, two members from the Ministry of Interior in Gaza accompanied by the police informed the Center of Women's Affairs in Beit Hanoun of the dissolution of the Board of Directors.

This decision assigned a temporary committee to supervise the affairs of the center. The Ministry reasoned that the term of the Board of Directors ended two years ago without electing a new one, as the latest elections were conducted in September 2006 and lasted for two years. Besides, they alleged that the center was unlicensed and that administrative and financial irregularities existed.

In her testimony, the administrative and executive director of the Center of Women's Programs in Beit Hanoun, Ms. Soha al-Kafarneh, said that two persons arrived to the centre on 14 October 2010 and introduced themselves as members of the Ministry of Interior. They delivered an order dissolving the Board of Directors, which nevertheless allowed the employees to continue their work. Approximately an hour later, the Board of Directors complied with the decision and all the center locks were replaced. A new Board of Directors was assigned by the Ministry of Interior.

### **Dissolution of the Board of Directors of Agricultural Engineers Society in Gaza**

On 12 October, the Ministry of Interior in Gaza took over the Agricultural Engineers Society in Gaza City and dissolved the Board of Directors under the pretext that one third of its members were absent. They referred to the civilians who abstained from joining their jobs in the civil service sector in the Gaza Strip after the fragmentation took place. The Ministry formed a temporary committee for a month and a half, until elections were conducted in 27 November 2010. The Islamic Bloc won all the seats and Mr. Yunis Saleh Zaytoniya became head of the Board of Directors. The society was established in 1992 and gathers 1,000 members. It offers services to individuals who have a bachelor degree in Agricultural Sciences and has become agricultural engineers.

### **Dissolution of the Board of Directors of the Association of Medical Professions**

On 11 July 2009, the Board of Directors of the Central Association of Medical Professions in Gaza sent a letter to the General Director of the Ministry of Interior in Gaza, 'Ahed Hamada, informing of the next general assembly meeting scheduled on 4 August 2009. The main points of the agenda were:

Approval of the financial and administrative reports of 2008;

Assigning an auditor to the association; and

Approval of the Board of Director's decision to exempt the members from part of due fees.

On 2 August 2009, two days before the general assembly convened, the General Director of the Ministry of Interior in Gaza, sent a letter to the Board of Directors of the Society. The letter stated that "The general assembly shall not regularly convene until the society rectifies its status." Hamada based his decision on allegations of irregularities in the statute of the society and Associations' Law. On 20 December 2009, Hamada sent a letter to the Society's president, pointing to the formation of a temporary committee to manage the affairs of the society and prepare for the elections. The committee included:

Mohammed Isma'il Dawood as a president;

'Ayda Mohammed Rezqa as a member;

Warda 'Awad al-'Ejla as a member.

In his testimony, the Director of Health Centers, Marwan Hussein Abu Nasser, 42, from al-Nuseirat refugee camp said: "On 21 December 2009, I received a phone call from the Society's President, Ahmad Jarad, telling me that a committee was assigned by the Ministry of Interior to takeover the society. I went to the society's office near Ansar compound in Gaza City. I was surprised to find four persons, including a representative from the Ministry of Interior, who were inventorying the Society's belongings.

I asked them to identify themselves, and they said that they were members of a committee assigned by the Ministry of Interior. I asked them to delay their intervention to the next day. They agreed to my request. The following day, representatives of the Ministry of Interior arrived to the Society's office and found it closed. They broke the doors, entered and took it over. In January 2010, the said committee conducted elections, in which the Islamic Bloc of Medical Professions won. This election was boycotted by the national trade unions. 11 candidates won by acclamation, and Dr. Abdul Qader Yusef al-Ottol presided the current Board of Directors.

This society was established in 1993 and has 5,000 members. It includes eight professions: Medical Technology, X-ray, Pharmacist Assistants, Dental Technicians, Physical Therapy, Health Inspectors, Rehabilitation of the Disabled, and Optics Specialists.

### **Summons against those Responsible for the Associations**

During the reporting period, security services in Gaza continued to summon workers and people responsible for charitable associations and community-based organizations. These summons, which increased remarkably after the fragmentation between the Gaza Strip and West Bank, constitute a violation against the work of the associations. PCHR has documented many of these cases but only some of them are covered in this section, other had been already mentioned in other parts of the report.

### **Summon against Head of the Board of Directors of al-Qarara Sports Club**

In late February 2010, al-Qarara Sports Club's elections were conducted after an agreement was reached between the Ministry of Youth and Sports in Gaza and the Olympic Committee in Ramallah. The elections had to be conducted in 11 clubs in Gaza, including al-Qarara Sports Club. The Board of Directors shall include 7 members; 4 of whom including the president from Fatah movement and the three others from Hamas movement. Sami Abu Haddaf, 38, was elected the president of the Board of Directors. When Abu Haddaf started his work, he noticed that the office of the Palestine Scholars Association – Khan Yunis was established in the Club premises. This happened as a result of a unilateral decision by the Hamas members of the Board, which was rejected by Abu Haddaf who requested the Scholar Association to leave. On 6 May 2010, Abu Haddaf received a summon to go to the office of Internal Security in Khan Yunis on 8 May 2010. He met the Internal Security officers there. They talked about the letters sent by Abu Haddaf to the concerned bodies regarding the Palestine Scholars Committee issue. Dr. Basem Na'eem, Minister of Youth and Sports, was one of those who received the letters from Abu Haddaf. While talking to Abu Haddaf about this issue the Internal Security officers accused him of collaborating with Ramallah and sending information to the Minister of Religious Endowments (Awqaf), Mahmoud al-Habbash. The Internal Security officers requested Abu Haddaf to return to his office after they seized his ID.

### **Summons against three members from Khan Yunis Union Sports Club**

ISS summoned President of the Board of Directors and two members of Khan Yunis Club, who are from Fatah movement. In his testimony to PCHR, the Secretary of the Club, Ibrahim Ghanayem al-'Aqqad, 40, said: "I received a summon from ISS to go to their office in Khan Yunis on Thursday, 30 September 2010. Two other summons were sent to the President of the Board of Directors, Jamal al-Farra, and a member of the Club, Ihab al-Agha. Al-Aqqad said that the three of them headed to the office of ISS and were kept there until 13:00. They told us that we used the Club for factional purposes in violation of what had been agreed when the Board of Directors was formed. We negated these facts." The Board of

Directors consists of seven members, including four members from Fatah movement and three members representing Hamas movement. Al-Aqqad added that ISS kept his ID and asked him to return on 07 October 2010.

### **Security Services Raid Associations and NGOs**

During the reporting period, PCHR documented a number of cases where security services' interfered in the affairs of associations and community institutions in Gaza. In frequent occasions associations were raided. This practice is undertaken in a humiliating manner without presenting a warrant. They also use to direct accusations and threats against those responsible for the association. These actions breach the Associations' Law, particularly article 41, which provides that: "Expropriation of funds of any association or institution, or to close or inspect its office, centers or branches without a warrant issued by a relevant judicial body is prohibited."

### **Raiding the Department of Refugee Affairs in Gaza City**

On 17 January 2010, after finishing the sit-in of martyrs' families in front of the Department of Refugee Affairs of PLO near Tal al-Hawa protesting for not receiving their salaries, the police arrived. They were three men in civilian clothes, who introduced themselves as members of the General Investigation Service (GIS) and entered the office.

The police officers asked the director of the Refugee Affairs' office about the place of the meeting that was at that time undertaken in the office, but she refused to answer. As a result, they raided the office. They entered the office of Dr. Zaqariya al-Agha, and switched his personal computer on. They also searched the office and documents. After Rami al-Madhoun, Director of Public Relations, arrived they asked him about his name and occupation. They took his ID and the Director's ID and asked them to go to the office of ISS at Abu Khadra compound. Then they proceeded to search the whole place. Al-Madhoun and the Director headed to the compound on the following day. There they were questioned on the activities of Fatah movement and were accused that the Department of Refuge Affairs was used as a cover for Fatah activities.

### **Violations by non-Official Bodies**

During the reporting period, PCHR documented violations against associations and community organizations carried out by non-official bodies. These violations included robbery, throwing of grenade at one and detonating an explosive device at the entrance of another.

The violations were as follows:

### **First: Raids and Robbery**

During the reporting period, PCHR documented 11 cases of robbery against community organizations. It should be noted that all the robbery cases were substantially similar in the sense that computers were particularly targeted in the attacks. Other features of the conduct of the robbery were also similar. The doors and gates were open without signs of breaking the locks. In most cases, the police initiated investigations in the attacks. In a workshop organized by the NGOs Network at the Laterna Restaurant in Gaza City on 23 October 2011, Ayman Abu 'Ayesh, Director of Research Department at the Ministry of Interior, explained that the majority of robberies were criminal actions and investigations were initiated and the perpetrators captured.

#### **Raiding and robbing al-Najd Development Forum in Gaza City**

On 20 November 2009, unknown persons raided and robbed al-Najd Development Forum, which is a community organization that offers social, relief and development services. The Forum is located on the first floor of Helles building in al-Nasser neighborhood. The attackers stole computer sets and telephones.

#### **Robbery of the office of the NGOs Network and Cooperative Housing Foundation (CHF) in Gaza City**

The offices of NGOs Network and CHF, which are located in Abu al-Qumsan building on Shifa Street in the West of Gaza City, were raided and robbed by unknown persons on the weekend. In his testimony to PCHR, Amjad Yasser al-Shawwa, Director of the NGOs Network, said that when the employees went to work on Sunday, 13 December 2009, they found that the office had been raided and approximately US\$ 1,000 were stolen. Al-Shawwa added that he did not notice any sign of breaking the doors or windows. They informed the police, who investigated the incident. Additionally, unknown persons similarly attacked the office of "Riyada" program of CHF, which is located in the same building, on the same weekend. They raided the office and broke two empty safes. The police inspected the scene and also opened an investigation on this incident.

#### **Robbing the Union of Agricultural Work Committees in Khan Yunis**

The Union of Agricultural Work Committees in Khan Yunis was raided and robbed by unknown persons. In his testimony to PCHR, Hassan Abu Kawari', coordinator of the Union, said that he went to the Union's office on Qanou' street as usual on Monday, 14 December 2009. He opened the door and was shocked to find that his computer was missing. Abu Kawari' added that he did not notice any sign of raiding on the doors or windows. Moreover, the documents and other assets remained in the same way usually are. Abu Kawari' informed the police, who did not inspect the scene; nevertheless he was taken testimony in the police station.

#### **Robbing the Southern Media Forum**

On 27 March 2010, the Southern Media Forum on the second floor of al-Mahdi building in Omar Bin al-Khattab street in Rafah was attacked and robbed by unknown persons. In his testimony to PCHR, Mohammed Abu Hajjaj, 24, a volunteer in the Forum, said: "At approximately 09:20 on 27 March 2010, I went to the Forum and found the door open without signs of attack. I initially thought that one of the employees had come before me, but there was no one. I searched the Forum and found that a computer set was missing. I called the director of the Forum, Laila al-Mdallal, and communicate her the incident.

Ms. Al-Mdallal arrived with her colleague Mona Khader after Ahmed Jom'a, another colleague, had arrived. We called the police and two members of Criminal Investigative Service (CIS) came to our office. They asked us to file a complaint.

### **Robbery of Save the Children Organization in Gaza City**

On 30 March 2010, Save the Children organization, which is located in Rajab building in Mostafa Hafez street in al-Remal neighborhood in the center of Gaza City, was robbed by unknown persons. In her testimony to PCHR, Najat Abu Laban, administrative assistant, said: "At approximately 09:00 on Wednesday, 31 March 2010, I went to my office and I found the door open. I thought that an employee had come before me, but when I reached my office, I found that someone had tampered with the files. There were papers on the ground and drawers were also open. I was scared and left the place quickly. I then called President of the Board of Directors, Wafa' Abu Mashayekh. Meanwhile, 'Afaf al-Khaldi, Director of Programs, arrived and entered the office with me. I went to her office and found that the computer had been stolen and the files had been tampered with. We started checking the other offices. Other two computer sets had been stolen, in addition to the accounting files of 2008-2009. We immediately informed the police. GIS arrived at the office, asked us about what had happened and inspected the scene. We also sent a letter to the Ministry of Interior regarding the incident."

### **Robbery of a branch of Gaza Mental Health Program**

On 19 August 2010, Gaza Community Center of Gaza Mental Health Program was raided and robbed by unknown persons. The attackers stole a computer set, a laser printer, a router and two UPSs. The administration immediately filed a complaint to the Palestinian police on the incident.

### **Robbery of Bonyan Society in Khan Yunis**

Bonyan Society for Training, Evaluation and Community Studies in Khan Yunis was robbed. The robbery was discovered on Tuesday morning, 29 June 2010. The doors were open without breaking. In his testimony to PCHR, Khalil Ibrahim al-Khozondar, 50, an office worker, said that he went to work at 08:05 on Tuesday. The society is on the second floor of Yahya al-Farra building in Khan Yunis. "When I opened the door, I found it slightly open although it had been closed on the day before." He added that he found the external iron door and the internal one open. As he entered the office and checked the contents, he discovered that two computer sets had been stolen; one of them owned by the accountant and the other by the social facilitator. He immediately called the society's director, Bassam Jouda, who arrived later. There were no signs of raiding the office. The police arrived at the society and initiated an investigation in the incident.

### **Robbery of the office of the NGOs Network in Gaza**

In 2010, unknown persons robbed the office of the NGOs Network in Gaza for the second time. According to information collected by PCHR, at approximately 08:00 on Saturday, 10 July 2010, the accountant and guard went to the office that is located near the Ministers' Council previously in Gaza City. The two employees noticed signs of opening the main door, other doors inside the office and the safes. They informed the director, Amjad al-Shawwa, about the incident. Al-Shawwa immediately arrived to the office and checked it. He found that a computer set had been stolen.

### **Robbery of Gaza Community Center in Gaza City**



At approximately 15:15 on Thursday, 19 August 2010, unknown persons attacked the Researches Department belonging to Gaza Mental Health Program in al-Bitar building on al-Rasheed Street near the seaport, west of Gaza City. The attackers partially broke the door of the Department of Researches on the third floor of the building. They stole a computer set, a HP laser printer, two USBs and a router. The Palestinian police inspected the place and initiated an investigation.

### **Raiding and robbery of the Association of Educational Guidance in Jabalia**

On 20 July 2011, the Association of Educational Guidance near the Martyrs' intersection in Jabalia refugee camp was raided. The attackers damaged the assets of the association. They broke two doors, a computer set, a router, a fax machine, a telephone and a bag of Mental Intelligence-Arithmetic. Additionally, a digital camera was stolen. This association was established in Gaza City in 1993 and opened a branch in Jabalia refugee camp in 1997. It provides educational, guidance, recreational and social services. It focuses on children and their families and works with hundreds of poor families.

### **Raiding and robbery of the head office of the Union of Health Work Committees in Gaza City**

On 27 August 2011, unknown persons raided the head office of the Union of Health Work Committees in Gaza City that is located near Shifa Hospital. They entered the offices of program and project management and health centers management. They damaged their belongings and stole 3 computer sets and two computer screens. According to what had been observed by PCHR field workers, the office was raided without any signs of breaking. Later, the Union issued a press release, stating that the aim of stealing computer sets from the office "is to get the information from their activities."

## **Second: Explosions and Detonation of Explosive Devices**

### **Detonation of an explosive device at the entrance of Aal al-Bait Society and Researches Center in Gaza City**

On 21 December 2009, unknown persons detonated an explosive device at the entrance of Aal al-Bait Society for Heritage and Shari'a Sciences and the National Center for Research and Studies on Ali Bin Abi Talib Street near the Public Service Hospital in Gaza City. As a result, a student was injured and damage was caused to the main entrance. The windows were also broken as a result of the attack.

### **Throwing a hand grenade at Young Men Christian Association (YMCA)**

In the early morning of 13 July 2010, unknown persons threw a hand grenade inside YMCA in the center of Gaza City. The shrapnel scattered in the YMCA's playground, however, no injuries or damage were reported. The Palestinian police arrived at the scene, opened an investigation and obtained the statement of the guard who was available when the explosion took place. YMCA was early attacked by unknown persons on 15 February 2008, on that occasion they detonated explosive devices in its library.

## **Second: violations of the right to form associations in the West Bank**

Violations of the right to form associations also continued in the West Bank during the reporting period. Legal restrictions were imposed on the work of associations, including the presidential decree that was issued by the Palestinian president following June 2007. The decree provides that the Minister of Interior "Has the power to review all the licenses of associations and institutions issued by the Ministry of Interior or any other government body." In addition, "All the associations and institutions have to present new applications to obtain new licenses within a week from the date of issuance of the decree.

Legal measures will be taken in case of violations." However, during the reporting period, the decision issued by the Interior Minister in Ramallah, Abdul Razzaq al-Yehya, remained applicable, in which he requested the General Administration of NGOs and Public Affairs to take the following actions: "First: a. send letters to the concerned security body on CSOs, demanding registration with competent departments at the Ministry of Interior, b. send letters to the concerned security body on associations that are registered but that have not underwent security check ..."

These measures aimed at enhancing control over the work of local associations registered according to the law, through their cancelation or by imposing further restrictions to their work. Upon these measures is Prime Minister, Dr. Salam Fayyad decision of 28 August 2007. This decision dissolved 103 SCOs in the West Bank. It was issued according to "legal, administrative and financial irregularities in these associations in accordance with the Charitable Associations and Community Organizations Law No. 1/2000." This decision constituted an obvious violation of the Associations Law that offers protection to associations and community organization. In particular, article 41 of this law provides that: "Expropriation of funds of any association or institution, or to close or inspect its office, centers or branches without a warrant issued by a relevant judicial body is prohibited."

A look at of the list of associations affected by this decision reveals that most of them were close to or affiliated to the Hamas movement. This obviously reflects the political character of the decision. Restrictions imposed by official bodies, particularly security services, on the work of associations in the West Bank continued. The violations against associations included closure, dissolution, raiding and searching associations by security services. Changes on the Boards of Directors, to include members close to the Fatah government, were also imposed; dismissal of original boards of directors and refusal to grant licenses to new associations close or affiliated to Hamas movement. PCHR was not able to document all violations against associations in that period.

During the reporting period, everything remained as it is. The decision to dissolve 103 associations remained applicable and the government in Ramallah did not reconsider its measures despite pleas by these organizations. The Ministry of Interior has also refused to register any new association close or affiliated to Hamas movement under security reasons. Perhaps the statement made by Director General of Societies in the Ministry of the Interior in Ramallah, Fadwa al-Sha'er, can show the extent to which restrictions affected the work of associations. In her statement to Watan Center for Media on 11 July 2010, al-Sha'er stressed that the Ministry would not grant licenses to associations if security concerns about them existed. She also explained that the law does not allow establishing associations on political or religious grounds, however, these associations exist, work and enjoy the freedom of political trends, pointing to the necessity to follow up and identify the sources of funds of local associations.

Documentation of a limited number of violations against associations in the West Bank does not mean a decline in the size of violations or a reconsideration of the measures taken by Ramallah government in this regard. In fact, the initial extend of the initial measures taken against organizations close or affiliated to Hamas movement contributed to a decline in the size of violations in the West Bank. Additionally, some of the individuals responsible for the associations expressed refused to denounce violations, as they feared reprisals such as torture by the government and security services in Ramallah. Despite the difficulties to investigate these abuses PCHR documented some cases in which the right to form association was violated in the West Bank by official and non-official bodies.

### **Violations by Official Bodies**

During the reporting period, PCHR documented a number of official violations against the right to form associations in the West Bank.

### **Confiscation of the funds of Bazarya Cooperative Society in Nablus**

On 02 March 2010, members of the Preventing Security Service (PSS) confiscated the money of Nawal al-Qadi, 53, that belongs to Bazarya Cooperative Society for Mutual Benefit in Bazarya in Nablus under the pretext that the society is affiliated to Hamas movement.

### **Refusal to renew the license of 2 KGs in Jenin**

In March 2010, GIS refused to renew the licenses of al-Nour kindergarten in al-Jalama village and al-Aqsa Islamic Kindergarten in Bruqin, both in Jenin.

### **Summons against 10 female employees from Solidarity Charitable Society in Nablus**

On 01 August 2010, PSS summoned approximately 10 employees from the Solidarity Charitable Society in Nablus. The society works with orphans, prisoners and poor families. The PSS requested them to resign and not to return to their work, under the threat of arrest.

### **Closure of the That al-Nitaqain Charity in Burin**

On 24 September 2010, the Palestinian Authority (PA) closed That al-Nitaqain Charity in Burin in Nablus. Two days later, on 26 September 2010, PLC Member, Hassan al-Burini, announced that PA had closed the society illegally although it possessed a legal license. When PCHR field workers met the society's director, she refused to give any written information and informed them that the issue was under discussion with the security services.

### **Non-implementation of courts' decision on associations**

The executive power in Ramallah continued to reject the implementation of decision issued by the Palestinian Supreme Court of Justice to annul the decision of the Ministry of Interior regarding two societies in Hebron. This Court issued two decisions in June and July 2009. The first one annulled of the decision of the Ministry of Interior to assign a temporary committee to manage the affairs of the Islamic Society for Orphans in Yatta village in spite of the availability of a board of directors. The second decision override the decision of the Ministry of Interior to assign a temporary committee to manage the affairs of Beit Ommar Society for Orphans in Beit Ommar in favour of committee elected by the association. The court reasoned its decisions arguing that the Ministry of Interior did not reveal the reasons for assigning these temporary committees and therefore is violation of article 37 of Charitable Associations Law 2001. The executive bodies had failed to apply these decisions so far.

### **Violations by non-official bodies**

#### **Firing at Jaffa Cultural Central in Nablus**

On 23 September 2010, unknown masked persons fired at Jaffa Cultural Center in Nablus. The center conducts cultural and artistic activities focusing on children. An official complaint was filed to the police in Nablus. As a result, the police arrested a number of suspected persons.

#### **Setting fire to the General Union of the Disabled in Qalqilya**

On 05 October 2010, unknown persons set fire to the General Union of the Disabled in Qalqilya. As a result, big parts of the building were burnt. Ambulances hurried to the place. It was discovered that the fire intentional as car tires on fire were found inside the building. According to media sources, the Director of the Union, Bayan al-Tabeeb, said that the union offers services to an important section of the Palestinian society and that the union did not have problems with anybody. They requested the police to investigate the incident and bring the perpetrators to justice.

## **Conclusion and Recommendations:**

The reporting period witnessed increasing violations of the right to form associations by both governments in Gaza and Ramallah. This report shed light on violations of this right, but did not address similar violations in the West Bank, due to the limited number of associations affiliated to Hamas movement in the West Bank, and therefore subjected to abuses, as explained above. The majority of these associations were already closed as per the decision issued by Prime Minister, Salam Fayyad, in August 2007, which implied the dissolution of 103 associations, the majority of which were affiliated to Hamas movement. This decision was taken the day after President Abbas announced the state of emergency following Hamas takeover of the Gaza Strip.

PCHR stresses that the main reason behind these violations in the West Bank and the Gaza Strip is primarily political and had been motivated by the Palestinian fragmentation that took place in mid June 2007, even if the two parties tried to legalize their measures against community organizations. Moreover, PCHR emphasizes that the two parties to the conflict have adopted a "tit for tat" strategy in order to control the civil society and community organizations.

In light of the above, PCHR raises the following recommendations to be adopted by the two parties to the conflict so as to put an end to the Palestinian violations against associations and NGOs.

In view of the reconciliation agreement in Cairo in 04 May 2011, PCHR calls upon the two governments in Gaza and Ramallah to show goodwill, undo all illegal measures taken against charitable associations and community Organizations in the fragmentation period and restore their respect and good reputation, including, re-opening all associations closed on political grounds and in violation of the law;

PCHR calls upon the two parties to the conflict to investigate all Palestinian violations against the right to form associations and to restore these rights to the victims;

PCHR calls to respect the Palestinian court's decisions that annul the measures and decisions taken by security services and the Ministry of Interior related to closing or dissolution of certain associations; or assigning new boards of directors instead of the elected ones;

PCHR calls to reconsider the Associations Law 1/2000 and the executive bill 2003, and the importance of being in complete conformity with the constitution and international standards that guaranteed the right to form associations;

PCHR calls upon the two parties to the conflict in Gaza and Ramallah to reconsider the legislations and decisions enacted after the Palestinian fragmentation, which imposed more restrictions on the work of associations. These mechanisms include the decision of the Ministers' Council in Gaza on Amendments of the executive bill of the Charitable Associations Law 1/2000; decision of the General Secretariat of the Ministers' Council in Gaza disallowing associations to receive funds unless by the approval of the Ministry of Interior and competent bodies; and the announcement of the Ministry of Interior in Gaza regarding the travelling of participants in programs and projects of NGOs;

Any amendments made to the Associations Law shall refrain from control practices over associations and shall allow them to work under the supervision of the Ministry of Justice as opposed to the Ministry of Interior; and

PCHR calls upon the government in Gaza to annul the unified financial system of charitable associations, international organizations and non-profit companies.

## **Appendices**

### **Appendix (1): Presidential Decree no. 16 of 2007 on Licenses of Associations and Community Organizations**

Chairman of the Executive Committee of PLO

President of the Palestinian National Authority

Supreme Commander of the Palestinian Forces

Having reviewed chapter VII of the amended Basic Law of 2003 and its amendments, based on the presidential decree issued on 14 June 2007 declaring the state of emergency and powers granted to us, and for the public interest,

We hereby decided the following:

#### **Article 1:**

Granting the Interior Minister the power to review all the licenses of associations and institutions issued by the Ministry of Interior or any other government body.

#### **Article 2:**

Minister of Interior or whomever he assigns as a representative has the right to take the necessary measures to close any association or rectify its legal status, or to take any other necessary measures.

#### **Article 3:**

All the associations and institutions have to present new applications to obtain new licenses within a week from the date of issuance of the decree. The legal measures needed will be taken in case of violations.

#### **Article 4:**

This decree will be presented to the Legislative Council once it convenes to express opinions in this regard.

#### **Article 5:**

All competent bodies shall apply the provisions of this decree from the date of issuance of the decree, and it shall be published in the official gazette.

Issued in Ramallah on 20 June 2007

Document source: website of the Palestinian National Information Center

**Appendix (2): decision no.8 of 2007 on associations and organizations carrying out activities against the law**

Based on powers legally entrusted to us and in accordance with the requirements of public interest, having reviewed the amended Basic Law of 2003, having reviewed the presidential decree declaring the state of emergency on 14 June 2007, having reviewed the presidential decree on licenses of associations and organizations on 20 June 2007, the Council of Ministers in its third session in Ramallah on 20 June 2007 decided the following:

**Article 1:**

1. The Minister of Interior is authorized to immediately take the necessary measures against associations and institutions that carry out activities against the law, 2. to take the necessary measures to stop their activities and 3. to report to the Ministers' Council in the regard on weekly basis.

**Article 2:**

All competent bodies shall apply this decision from its date of issuance and shall be published in the official gazette.

Issued in Ramallah on 20 June 2007. Prime Minister Salam Fayyad.

Legal and Judicial System in Palestine – al-Muqtafi, prepared by the Institute of Law of Birzeit University

**Appendix (3): decision-law no. (6) of 2011 on the amendment of the Law of Charitable Associations and Institutions no. 1 of 2000**

Decision-law no. () of 2011

On the amendment of the Law of Charitable Associations 1/2000

President of the State of Palestine

Chairman of the Executive Committee of PLO

President of the Palestinian National Authority

Having reviewed the amended Basic Law of 2003 and its amendments, especially article 43,

Having reviewed the Charitable Associations Law 1/2000,

And based on the powers legally entrusted to us in accordance with the requirement of public interest,

We have hereby issued decision-law as follows:

**Article 1**

For the purpose of this amendment, Charitable Association Law will be hereinafter referred to as the original law.

**Article 2**

Article 39 of the original law was amended as follows:

In the event that an Association or Organization is dissolved, a waged liquidator is appointed who prepares an inventory of its funds and assets. The Ministry will transfer the funds of the dissolved Association or Organization to Associations and Organizations of a similar purpose, taking into account the pensions, allowances and rights of the employees of the dissolved Association, and these would be exempted from the transfer.

**Article 3**

The Ministry of Interior rectifies the status of registered associations before putting this decision into effect and in conformity with the law, and the associations shall be informed of this.

**Article 4**

All what violates this decision-law shall be annulled.

**Article 5**

This decision-law shall be presented to the Legislative Council in its first session to be approved.

**Article 6**



All competent bodies shall apply this decision from the date of issuance of the decision and shall be published in the official gazette.

Issued in Ramallah on 27 April 2011

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of PLO

President of the Palestinian National Authority

[Signature]

***Appendix (4): Decision of the Minister of Interior and National Security in Gaza Fathi Hammad 17/2010***

Prevention of Employees from Working in Charitable Associations and Local Organizations

Having reviewed the amended Basic Law 2003,

Having reviewed Civil Service Law, its Amendments and Executive Bills,

Having reviewed the Law of Service in the Palestinian Security Forces 8/2005,

Having reviewed Decision of the Council of Ministers 368/2008 Concerning Engagement in Jobs other than Jobs in the Public Sector,

Having reviewed Circular of the Secretariat of the Council of Ministers no. 782 issued on 23 April 2008 Concerning on Commitment to jobs in the Public Sector,

And based on powers legally entrusted to us with the requirements of the public interest,  
We have hereby decided the following:

**Article 1**

All employees working in the public sector are prevented from engagement in jobs other than their jobs in the public sector, whether it is paid or not paid and even while off-duty, unless by obtaining a prior permission from the head of Department in which he work.

**Article 2**

All public and private institutions, charitable associations, community organizations, stores and technical offices or any other profession are not allowed to employ any government employee unless after obtaining a prior permission from the director of the government department, whether the job was on temporary or permanent basis. In the event of violation, it is considered a violation of the provisions of licensing associations and institutions.

**Article 3**

Any employee who violates the provisions of this decision shall be held accountable and shall subject to the legal penalties provided by this law.

**Article 4**

This decision shall be applicable on the date of its issuance and all competent bodies shall put it into effect.

Fathi Hammad

Minister of Interior and National Security

[Stamp] [Signature]

Issued on 14 February 2010

**Appendix (5): Decision of the Minister of Interior and National Security, Fathi Hammad, No. 48/2010**

Palestinian National Authority

Ministry of Interior and National Security

Minister Office

**Decision of the Minister of Interior and National Security No. 48/2010 Concerning Civil Employees Abstaining from Joining Their Jobs**

Having reviewed the amended Basic Law of 2005,

Having reviewed the Civil Service Law no. 4/1998 and its Executive Bill,

Having Reviewed Law no. 8/2005 Concerning Service in the Palestinian Security Forces,

And based on powers legally entrusted to us and in accordance with the requirements of the public interest and the smooth progress of work,

We have hereby decided the following:

**Article 1:**

All civil employees abstaining from joining their jobs in the civil service sector shall be prohibited from being affiliated to general assemblies of charitable and civil society organizations, or joining these organizations as employees or as members of their boards of directors.

**Article 2:**

The board of directors of any of the abovementioned organizations shall not be approved if it includes a member who is an employee abstaining from joining his/her job in the civil service sector

**Article 3:**

All parties must implement this Decision.

**Article 4:**

This Decision shall be applicable on the date of its issuance and all other materials contradicting with it shall be cancelled.

Fathi Hammad

Minister of Interior and National Security

Stamp] [Signature]

Issued in Gaza City on 11 February 2010

**Appendix (6): decision of the Ministers' Council on the Executive Bill of Charitable Associations 1/2000**

PNA

Ministers' Council

Decision of the Council of Ministers no. (3/205/11/M.F/A.E) of 2011

On Amending the Decision of the Ministers' Council 9/2003 on the Executive Bill of Charitable Organizations Law 1/2000

Having reviewed the amended Basic Law of 2003, particularly articles 26, 68 and 70,

Having reviewed Charitable Associations Law 1/2000,

Having reviewed the decision of the Ministers Council 9/2003 on the Executive Bill of Charitable Organizations Law 1/2000,

And based on powers legally entrusted to us and in accordance with the requirements of the public interest,

In its 205 session held in Gaza on 31 May 2011, the Council of Ministers has hereby decided the following:

**Article 1**

Amending decision of the Council of Ministers 9/2003 on the Executive Bill of Charitable Associations 1/2000, which referred to hereinafter as the original law, as follows:

Adding a new article 31 bis after article 31 of the original law that provides:

Branches of foreign organizations registered in the Palestinian Territory shall be subject to legal provisions and regulatory measures applied by the Ministry and the Competent Ministry to local organizations.

Adding a new article 47 bis after article 47 of the original law that provides:

All the branches of local organizations shall provide to the Ministry or the Competent Ministry any documents or papers upon request; and

The Ministry and the Competent Ministry shall implement activities implemented by branches of local organizations to make sure that the funds of the said branches are spent for the designated purpose.

**Article 2**

All competent bodies shall apply this decision on the date of its issuance and shall be published in the official gazette.

Issued in Gaza on 31 May 2011

Isma'il Haniyah

Prime Minister

[Signature] [Stamp]



Funded by the EU and supported by Oxfam Novib.

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For more information, please contact the Palestinian Centre for Human Rights at [pchr@pchrgaza.org](mailto:pchr@pchrgaza.org) or +972-(0)8-282