



PALESTINE

# PRESENTATION

This review is part of a larger two-part study on **freedom of assembly in the Euro-Mediterranean region**.

Following an overview of the international standards relating to the freedom of assembly, [Part I](#) examines the legal frameworks in 11 countries of the Mediterranean and in the European Union and their compliance with international human rights standards. Part II examines the implementation of laws and the exercise of the freedom of assembly and demonstration in practice.

In order to assess the compliance of national legislations with international standards relating to the exercise of freedom of assembly, objective indicators were used as a reference throughout this study. A gender-sensitive approach was incorporated to determine whether women enjoy freedom of assembly to the same extent as men or face more restrictions.

This study was conducted in consultation with members of the Euro-Mediterranean Human Rights Network (EMHRN), which includes 80 human rights organizations in 30 countries. It thus reflects the active involvement of EMHRN's working group members on freedom of association and assembly, as well as other civil society organizations and experts.

The study is meant to provide human rights defenders, civil society organizations, international organizations, and state institutions with an analysis that allows them to compare national laws and policies with those of other countries and assess their conformity with international conventions, with a view to advocating for reforms and guaranteeing freedom of assembly across Euro-Mediterranean area.

The chapters are also available separately: [Algeria](#), [Egypt](#), [Israel](#), [Jordan](#), [Lebanon](#), [Libya](#), [Morocco](#) and [Western Sahara](#), [Palestine](#), [Syria](#), [Tunisia](#), [Turkey](#), and [the EU](#).

## Introduction

The right to freedom of peaceful assembly is central for Palestinians: it enables them to voice their opinions to Palestinian authorities – the Fatah-led Palestinian Authority (PA) in the West Bank and the Hamas de facto administration in Gaza. This right also plays a decisive role in the occupied territory, as Palestinians have no other means – for instance, through voting – to formulate their aspirations and grievances to the Israeli occupying power.

In practice, the complex legal framework governing freedom of peaceful assembly makes it very difficult for Palestinians to exercise their legitimate rights and freedoms.<sup>1</sup> In recent years, the rights of peaceful assembly of political opponents or those suspected of expressing dissent have frequently been unduly restricted in areas under the full authority of the PA. Protests organised by Fatah supporters or those seen as belonging to the opposition have also been subject to undue restrictions by the Hamas authorities in the Gaza Strip. In the Occupied Palestinian Territory (OPT), the right to freedom of peaceful assembly is at risk: despite the Oslo Accord limiting Israel's security control to parts of the West Bank only, Israeli military orders are largely enforced in the whole West Bank. In the OPT, Israeli soldiers and security forces have repeatedly resorted to unnecessary and disproportionate force against demonstrators, causing grave human rights violations, including extrajudicial killings and serious injuries.

Despite these serious obstacles to the exercise of peaceful assembly, Palestine is today at a critical juncture in its history where violators of internationally recognised human rights law may be soon held accountable. On 2 April 2014, Palestinian President Mahmoud Abbas signed letters of accession to a series of major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the four Geneva Conventions of 1949. Although it is clear that the Palestinian authorities already have human rights obligations under customary law, this important positive development should pave the way for greater respect of human rights in Palestine.

This report covers human rights violations committed by both Palestinian and Israeli security forces. In the interest of clarity, these violations are treated in successive paragraphs.

### 1. Restrictions Imposed on Freedom of Assembly

In the West Bank and in Gaza, the Implementing Regulations of the **Palestinian Public Assemblies Law No. 12 of 1998** prohibits the holding of any protest in “areas of tension”. Given the location of the Annexation Wall on Palestinian land and the abundant Israeli military checkpoints, Palestinians face significant challenges to protest as many areas can be considered to be areas “of tension”. On some occasions, demonstrations have also been restricted because the authorities disliked the message they intended to deliver. For instance, in March 2011, the Hamas authorities refused to grant a permit to peaceful protesters calling for political reconciliation and sealed off access to public squares and universities where demonstrations were supposed to take place.<sup>2</sup>

In the occupied territory, one of the most common restrictions emanates from **Israeli Military Order 101** – stipulating that any gathering of 10 or more persons, in a public or private space, where opinions are voiced for a “political purpose or for a matter that may be construed as political” requires a permit from a military commander – which, de facto prohibits the holding of any spontaneous demonstration. In practice, Palestinians generally do not apply for such a permit from an Israeli military commander as they fear they would never obtain it. In Gaza, Israeli forces have on occasions, as described below, also restricted peaceful assembly and resorted to force to disperse protesters taking part in protests against the Buffer Zone in access-restricted areas.

1 Euro-Mediterranean Human Rights Network (EMHRN), *Regional Study on the Right to Freedom of Assembly in the Euro-Mediterranean Region – Legislative review*, November 2013, Palestine chapter: [http://www.euromedrights.org/eng/wp-content/uploads/2013/11/FOA2013\\_EN\\_PALESTINE1.pdf](http://www.euromedrights.org/eng/wp-content/uploads/2013/11/FOA2013_EN_PALESTINE1.pdf)

2 Human Rights Watch, 19 March 2011, <http://www.hrw.org/fr/news/2011/03/19/gaza-stop-suppressing-peaceful-protests>

In 2014, the Euro-Mediterranean Human Rights Network published a report on how restrictions on these fundamental freedoms also affect women.<sup>3</sup>

## 2. Facilitation of Assemblies by the Authorities

The **Palestinian legislation** governing public assemblies contains some provisions favouring the holding of peaceful assemblies, in compliance with international standards.<sup>4</sup> Nevertheless, the political division between the Palestinian Authority in the West Bank and the Hamas-led government in Gaza, from 2007 to June 2014, has led to a worsening environment for the protection of fundamental freedoms in both areas.

The **Israeli legal framework** in the OPT does not foresee facilitating the right of peaceful assembly. Instead, Israeli forces have for years declared areas where demonstrations had been planned as “closed military zones”, blocked the roads leading to these sites, and granted Israeli forces the legal tools to arrest and prosecute peaceful demonstrators. This situation is particularly alarming in villages like Nabi Saleh or Bil’in, declared “closed military zones” by the Israeli authorities for the first time in 2010, after some individuals called for protests against the construction of the Wall or illegal Israeli settlements. From 17 June to 8 July 2011, four planned demonstrations in Nabi Saleh, including a gathering of children in costumes flying kites, were declared an “unlawful assembly” before they took place.<sup>5</sup> The fact that the order declaring the whole village of Nabi Saleh as a “closed military zone” was signed every week, before the demonstrations could take place<sup>6</sup> and in absence of violence,<sup>7</sup> constitutes a blatant violation to the right of peaceful assembly.

Even though some past protests might have resulted in stone throwing by a few protesters, this cannot be used as a pretext for pre-empting every single demonstration, as it would otherwise constitute a collective punishment. This has been highlighted by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his country report to Israel and the Occupied Palestinian Territories in 2012. In this report, he expressed concern at allegations that Israel Defence Forces (IDF) “*intimidate and collectively punish villagers on the site of demonstrations through night raids, using sound or gas bombs aimed at villagers’ houses and declaring an entire village a closed military zone*”<sup>8</sup>

Infringements of the right to freedom of peaceful assembly also occur online. On 6 November 2013, the Israeli Occupation Forces arrested several online activists who were calling for a protest in Jerusalem on a Facebook web page. Most of the activists were quickly released, but they were forced to sign pledges promising they would not publish similar calls on social media in the future.<sup>9</sup>

3 EMHRN, *Palestinian women’s rights in EU-Israel and EU-PA relations*, March 2014, [http://www.euromedrights.org/eng/wp-content/uploads/2014/03/EN\\_AdvPaper-On-PalWomen\\_06MAR2014\\_WEB.pdf](http://www.euromedrights.org/eng/wp-content/uploads/2014/03/EN_AdvPaper-On-PalWomen_06MAR2014_WEB.pdf)

4 Report of the Special Rapporteur on Freedom of Peaceful Assembly and of Association, Maina Kiai, A/HRC/23/39, para. 49-50, <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ListReports.aspx>

5 B’Tselem, *Show of Force: Israeli Military Conduct in Weekly Demonstrations in a-Nabi Saleh*, September 2011, [http://www.btselem.org/download/201109\\_show\\_of\\_force\\_eng.pdf](http://www.btselem.org/download/201109_show_of_force_eng.pdf); Al Haq, *Repression of Non-Violent Protest in the Occupied Palestinian Territory: Case Study on the village of al-Nabi Saleh*, 2011, <http://www.alhaq.org/publications/publications-index/item/repression-of-non-violent-protest-in-the-occupied-palestinian-territory-case-study-on-the-village-of-al-nabi-saleh>

6 See video of a protest held in Nabi Saleh on 15 July 2011: <https://www.youtube.com/watch?v=cFWT5c0eq8M>

7 Fox News, “Palestinian women charged over non-violent protest”, 9 July 2013, <http://www.foxnews.com/world/2013/07/09/palestinian-women-charged-over-non-violent-protest/>

8 UN HRC, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue - Addendum - Mission to Israel and the occupied Palestinian territory, 2012, A/HRC/20/17/Add.2, para. 79 [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf)

9 IFEX, “Israeli forces arrest 25 Palestinian online activists”, 15 November 2013, [http://www.ifex.org/israel/2013/11/15/online\\_protest\\_censored/](http://www.ifex.org/israel/2013/11/15/online_protest_censored/)



Concerning the protection of individuals during protests, it is also of concern that Israeli soldiers and security forces failed in fulfilling their duty to protect Palestinians and their property from violent demonstrators and attacks led by Israeli settlers in villages like Qusra.<sup>10</sup>

### 3. The Use of Force and Detention

Assemblies in **areas under the effective control of the PA and Hamas** have on various occasions been met with excessive force by Palestinian police and security forces.

This was notably the case in Ramallah on 30 June and 1 July 2012 when PA security forces and plain clothed policemen violently responded to a peaceful protest opposing a planned meeting between PA President Mahmoud Abbas and an Israeli politician accused by protesters of being responsible for war crimes. At least six protesters were then hospitalized for injuries sustained from excessive use of force by the police.<sup>11</sup> According to the Palestinian Human Rights Organisation Council (PHROC), a coalition of Palestinian human rights NGOs, other breaches of freedom of assembly were committed on the same days, such as blockade of the demonstration route, arrest of peaceful protesters and journalists and degrading and humiliating treatment of detained individuals.<sup>12</sup>

Other examples of excessive use of force include the Palestinian police's violent reaction to a demonstration organised on 28 July 2013 in Ramallah against the decision to return to negotiations with Israel without preconditions. According to reports, peaceful demonstrators were insulted, physically assaulted and pepper sprayed. Some demonstrators were even arrested at Ramallah hospital where they were receiving medical treatment for injuries sustained during the demonstration.<sup>13</sup>

Excessive use of force by Palestinian police forces has also occurred in Gaza. For instance, on 7 November 2012, a peaceful march calling for national reconciliation organised by women organisations was violently dispersed by police officers.<sup>14</sup>

These recent examples show that the Palestinian authorities have on occasions failed to comply with international standards related to freedom of peaceful assembly, especially Article 3 of the UN Code of Conduct for Law Enforcement Officials which provides that law enforcement officials should only use force in protests "when strictly necessary".<sup>15</sup>

In **areas under Israeli authority**, protests are regularly held against the Israeli occupation and all its adverse consequences on Palestinians. On many occasions, demonstrations begin peacefully and then turn to stone throwing at Israeli soldiers or against the Wall or the military watchtowers, either spontaneously or in reaction to security forces' provocation. In response, Israeli soldiers and security officers make no

10 Amnesty International, *Trigger happy: Israel use of excessive force in the West Bank*, February 2014, page 34, <http://www.amnestyusa.org/pdfs/mde150022014en.pdf>

11 Human Rights Watch, "Palestinian Authority: Hold Police Accountable for Ramallah Beatings", 27 August 2012, <http://www.hrw.org/news/2012/08/27/palestinian-authority-hold-police-accountable-ramallah-beatings>

12 EMHRN and the Palestinian Human Rights Organisations Council's submission to the EU ahead of the EU-PA sub-committee on human rights, good governance and the rule of law, 2012, page 9, [http://www.alhaq.org/images/stories/PDF/2012/EMHRN-PRHOC\\_Statement\\_ahead\\_of\\_the\\_EU-PA.pdf](http://www.alhaq.org/images/stories/PDF/2012/EMHRN-PRHOC_Statement_ahead_of_the_EU-PA.pdf)

13 Al-Haq, "Palestinian Human Rights Organizations Council Calls Upon the Palestinian Authority to Respect Citizens' Rights to Freedom of Expression and Assembly", 6 August 2013, <http://www.alhaq.org/advocacy/topics/palestinian-violations/729-palestinian-human-rights-organisations-council-calls-upon-the-palestinian-authority-to-respect-citizens-rights-to-freedom-of-expression-and-assembly>; European Union press release, "European Union and Palestine hold policy dialogue on human rights, good governance and rule of law", 26 November 2013, [http://eeas.europa.eu/delegations/westbank/documents/news/2013/20131126\\_pr\\_subcommittee\\_hr\\_en.pdf](http://eeas.europa.eu/delegations/westbank/documents/news/2013/20131126_pr_subcommittee_hr_en.pdf)

14 Arabic Network for Human Rights Information (ANHRI), 7 November 2012, <http://anhri.net/?p=104114&lang=en>; Al Monitor, 22 November 2012, <http://www.al-monitor.com/pulse/originals/2013/11/palestinian-division-fatah-hamas-women-protest.html#ixzz35qEJo0Rk>

15 UN Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

distinction between using live ammunition, rubber bullets, tear gas and other crowd control weapons,<sup>16</sup> to disperse unarmed protesters and arrest leaders. In most cases, the Israeli forces' use of force violates the UN Code of Conduct for Law Enforcement Officials. The UN Secretary-General has recently expressed concern regarding frequent and excessive use of force against unarmed demonstrators by Israeli security forces, including live ammunition and "tear gas being intensively used and tear gas canisters being fired as projectiles at protesters, resulting in severe injuries".<sup>17</sup>

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 38 Palestinians were killed in 2013 by Israeli forces, mostly as a result of clashes between Palestinian protesters and Israeli forces. According to OCHA data, not only have violations of the rights to life, liberty and security persisted in the first months of 2014, but repressive practices seem to be escalating.<sup>18</sup>

On 24 January 2014, Israeli forces shot and killed Belal Ahmed Iwida, 19, and wounded seven others in the north of Gaza, after protesters ignored warnings to move away from the border fence.<sup>19</sup> On 15 May 2014, two unarmed Palestinian teenagers, Nadim Nawareh and Mohammed Salameh, were shot in the chest with live ammunition while posing no imminent threat to Israeli soldiers, and two others were injured, in a demonstration commemorating the Nakba Day in Betunia.<sup>20</sup>

These recent examples – which are two of many<sup>21</sup> – illustrate Israeli total disregard for Palestinian protesters' lives. Even when some protesters may not act peacefully, Israeli soldiers and officers have the legal obligation to protect the right to life while policing assemblies, which is a right that cannot be derogated pursuant to Article 4 of the ICCPR.<sup>22</sup> In this context, it is imperative to reiterate that Israel has the obligation to respect international human rights law, as well as international humanitarian law in territories it occupies. Indeed, under international humanitarian law and criminal law, the killing of civilians by Israeli forces as part of the armed conflict constitutes a war crime.

Disproportionate use of force by Israeli forces also results in serious injuries. According to OCHA data, more than 4,000 thousand individuals were injured in 2013. On 21 February 2014 in Hebron, at least 13 Palestinians were seriously injured after Israeli forces violently dispersed a protest marking the 20th anniversary of the Ibrahimi mosque massacre. On many occasions, Israeli forces have fired rubber bullets and thrown tear gas canisters directly at unarmed demonstrators causing injuries<sup>23</sup> and putting individuals at risk of suffocation.<sup>24</sup>

16 B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, January 2013, [http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)

17 UN General Assembly, Report of the Secretary General, "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem", 2011, A/66/356, para. 20, <http://unispal.un.org/UNISPAL.NSF/0/48843172ED03374F8525792E0060FFDC>

18 OCHA, *Life, liberty and security*, 2013, <http://www.ochaopt.org/content.aspx?id=1010057>

19 Al-Haq, 31 January 2014, <http://www.alhaq.org/documentation/weekly-focuses/775-palestinian-man-shot-dead-in-the-buffer-zone>; Al Mezan Center for Human Rights, 26 January 2014, [http://www.mezan.org/en/details.php?id=18292&ddname=assassination&id\\_dept=9&id2=9&p=center](http://www.mezan.org/en/details.php?id=18292&ddname=assassination&id_dept=9&id2=9&p=center)

20 Al-Haq, 24 May 2014, <http://www.alhaq.org/documentation/weekly-focuses/806-evidence-of-wilful-killing-at-al-nakba-day-protest>; B'Tselem, 20 May 2014, [http://www.btselem.org/releases/20140520\\_bitunya\\_killings\\_on\\_nakba\\_day](http://www.btselem.org/releases/20140520_bitunya_killings_on_nakba_day); Human Rights Watch, 9 June 2014, <http://www.hrw.org/news/2014/06/09/israel-killing-children-apparent-war-crime>

21 *Trigger happy: Israel use of excessive force in the West Bank*, op. cit.; see also the case of a civic activist and a journalist shot during a demonstration in February 2014: Al-Haq, 28 February 2014, <http://www.alhaq.org/documentation/weekly-focuses/785-human-rights-defender-and-journalist-shot-following-a-peaceful-demonstration>

22 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 2011, A/HRC/17/28, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-28.pdf>

23 On 27 December 2013, Manal Tamimi was shot in the leg with a rubber-coated bullet from a distance of less than one meter, while she was acting peacefully, see video: <http://nabisahehsolidarity.wordpress.com/2013/12/28/video-israeli-forces-shoot-manal-tamimi-from-close-range/>

24 On 1 January 2011, Jawaher Abu Rahme, died apparently after inhaling tear gas that Israeli soldiers fired at demonstrators in Bil'in. More than one year later, Israeli authorities have yet to disclose the outcome of the investigation into her death.



#### 4. Accountability of Law Enforcement Forces

Following the excessive use of force by **Palestinian police** against peaceful protesters in Ramallah at the end of June and the beginning of July 2012, President Abbas formed an independent investigation committee whilst the Ministry of the Interior also investigated the incidents. The findings of the two bodies reveal that PA police and security forces acted outside the law and used “unnecessary”, “unjustified” and “disproportionate” force against peaceful protesters who posed no risk.<sup>25</sup> Some police officers responsible for human rights violations were subjected to disciplinary sanctions, including the Police Commissioner and the Head of the Police Station in Ramallah who were both transferred to other locations. While this is a positive first step, it is disappointing that police officers were not subject to any judicial indictment. The UN Secretary-General also found it “regrettable” “that the work of the committee investigating alleged human rights violations was undermined by the notable omissions regarding accountability”.<sup>26</sup>

The grave human rights violations committed by **Israeli soldiers and security officers** highlighted above enjoy widespread impunity. Despite the fact that Israel adopted, in April 2011, a policy to investigate every case in which a non-combatant Palestinian in the West Bank is killed, several challenges remain for victims of human rights violations. One of the main obstacles for a Palestinian victim seeking redress is due to the difficulty of accessing Israeli Courts because of court fees as well as continuing restrictions to freedom of movement, especially in the context of Israel’s permanent closure of the Gaza Strip. The human rights organisation Yesh Din concluded that, out of 192 complaints made on behalf of Palestinian victims it monitored, 96.5% of these complaints were closed without indictment.<sup>27</sup>

Some individual cases are illustrative of this culture of impunity. On 10 September 2013, Israeli military investigators informed that they had closed, without charges, their inquiry into the death of Bassem Abu Rahme, a peaceful protester killed on 17 April 2009 by a tear gas canister fired by Israeli forces during a non-violent protest against the Wall in Bil’in, despite the fact that the incident had been recorded by three separate cameras. On 5 December 2013, two years after Mustapha Tamimi had been killed by a tear-gas canister shot by an Israeli soldier at the end of a demonstration against the Israeli military occupation, the Military Advocate for Operational Matters, Lt. Col. Ronen Hirsch, stated that the canister had been fired “according to the relevant rules and regulations and did not involve any illegality”, and no sanction was ever taken against the soldier who fired nor his superiors.<sup>28</sup>

These recent examples illustrate the impunity enjoyed by Israeli security forces as well as the failure of Israeli authorities to comply with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>29</sup> and the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity.<sup>30</sup>

In this context, it is also regrettable that Israel was the first State to refuse to participate in its scheduled UN Universal Periodic Review (UPR) on 29 January 2013, and when the UPR was eventually held on 29 October 2013 Israel rejected all recommendations concerning the Occupied Palestinian Territory (OPT).

25 Amnesty International, 23 September 2013, <http://www.amnesty.org/en/news/palestinian-authority-must-end-use-excessive-force-policing-protests-2013-09-23>

26 UN General Assembly, “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem”, 4 October 2013, A/68/502 para. 46, <http://unispal.un.org/UNISPAL.NSF/0/B0DC2317583FAC9485257C16004A7F44>

27 Yesh Din Volunteers for Human Rights, *Alleged investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011, <http://yesh-din.org/infoitem.asp?infocatid=165>

28 B’Tselem, “Israeli MAG Corps closes file in Mustafa Tamimi killing, stating the tear-gas canister that killed him was fired legally”, 5 December 2013, [http://www.btselem.org/press\\_releases/20131205\\_mag\\_closes\\_file\\_on\\_mustafa\\_tamimi\\_killing](http://www.btselem.org/press_releases/20131205_mag_closes_file_on_mustafa_tamimi_killing)

29 OHCHR, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, General Assembly resolution 60/147 of 16 December 2005, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

30 UN HRC, Updated Set of principles for the protection and promotion of human rights through action to combat impunity, 8 February 2005, E/CN.4/2005/102/Add.1, [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=10800](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=10800)

## 5. Judicial Sanctions against Organisers and Participants in Assemblies

Acts of intimidation, threats and retaliation against individuals organising or taking part in assemblies are routinely committed by **Israeli soldiers and officers** in Palestine. Severe judicial sanctions are also imposed. For example, on 29 May 2012, an Israeli military court – which does not satisfy the requirements of a fair trial<sup>31</sup> – sentenced Bassem Tamimi to 13 months imprisonment, which he had already served, as well as a 17-month suspended sentence for leading illegal demonstrations in Nabi Saleh. Bassem Tamimi had been arrested 11 times before this sentence but he had never been convicted of committing any crime.<sup>32</sup> Other cases have been documented in recent years, such as the arbitrary arrest and detention of Hassan Karajah or the judicial harassment against Issa Amro.<sup>33</sup>

## 6. Civil Society Initiatives and Good Practices

The Palestinian police force is funded and trained by the European Union Co-ordinating Office for Palestinian Police Support (EUPOL-COPPS). Although this collaboration, initiated in 2006, could be a good practice to promote human rights in Palestine, the situation described in this study shows that EUPOL-COPPS still has a long way to go to attain the objectives set in its mandate, that is to “contribute to the establishment of sustainable and effective policing arrangements and to advise Palestinian counterparts on criminal justice and rule of law related aspects under Palestinian ownership, in accordance with the best international standards and in co-operation with the EU institution-building programmes conducted by the European Commission and with other international efforts in the wider context of the security sector, including criminal justice reform”.<sup>34</sup>

On civil society’s side, different NGOs monitor protests and human rights violations in the policing of assemblies. For example, the Association for Civil Rights in Israel launched in May 2013 an online “Information Center for Demonstrators in the Occupied Territories” containing a vast range of theoretical and practical information on the rights of protesters. It is available in Arabic, English and Hebrew.<sup>35</sup>

31 UN HRC, General comment n.32, *Right to equality before courts and tribunals and to fair trial*, 23 August 2007, CCPR/C/GC/32, <http://www.refworld.org/docid/478b2b2f2.html>

32 Human Rights Watch, 30 May 2012, <http://www.hrw.org/fr/node/107511>

33 In March 2013, a group of UN Special Rapporteurs expressed concern at the arbitrary arrest and detention of Hassan Karajah, a civic worker at the Campaign “Stop The Wall”, after his association had organised peaceful protests: 27 March 2013, [https://spdb.ohchr.org/hrdb/24th/public\\_-UA\\_Israel\\_27.03.13\\_%284.2013%29.pdf](https://spdb.ohchr.org/hrdb/24th/public_-UA_Israel_27.03.13_%284.2013%29.pdf). In August 2013, other UN independent experts denounced the arbitrary arrest and ill-treatment in detention of Issa Amro, who had organised protests in Hebron, was badly ill-treated in detention, and left lying on a stretcher while members of the Israeli Security Forces took photos and threatened to shoot him. He was only hospitalized more than five hours after this grave incident. Issa Amro had been arrested and detained 20 times in 2012, and six times between January and August 2013, although he has never engaged in violence, nor been charged with any crime: OHCHR, 13 August 2013, <http://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=13626&LangID=E>

34 EU Co-ordinating Office for Palestinian Police Support (EUPOL COPPS): <http://eupolcoppes.eu/en/content/what-eupol-coppes>

35 <http://www.acri.org.il/en/2013/05/09/info-center-protest/>



# Recommendations

## ***Recommendations to the Palestinian authorities:***

1. Guarantee that the freedoms of assembly, expression and association can be exercised by any individual or group without any discrimination based on opinions, origins, sex, religion etc.;
2. Ratify and implement the provisions contained in the International Covenant on civil and political rights, the International Covenant on economic, social and cultural rights and the Rome Statute establishing the International Criminal Court;
3. Reform the rules for the application of Act No. 12 (1998) on public gatherings and those articles in force in Gaza and the West Bank relating to assembly in the 1936 and 1960 Criminal Codes, so that they comply with international law (see the first part of the Study);
4. Ensure that the notification procedure provided for by law is transparent, accessible and not unduly onerous, and that the administrative authorities comply with the law when it is implemented;
5. Make sure that restrictions imposed on public meetings comply with the law, abide by the principles of need and proportionality, and are communicated in writing to the organizers within a time frame that allows for an appeal before an independent tribunal or court before the scheduled date of the event;
6. Ensure that the authorities are always open to dialogue with the assembly organizers (both prior to and during gatherings) and where such dialogue occurs, that its purpose is to better facilitate the right of peaceful assembly;
7. Adopt clear, detailed and binding regulations governing the use of force against protesters, in accordance with the United Nations Basic Principles on the use of force and firearms by law enforcement officials; train law enforcement authorities in the use of force and anti-riot weapons accordingly;
8. Act upon the State's duty to protect peaceful demonstrators; ensure that any use of force by law enforcement officers follows the principles of last resort, need, progressiveness and proportionality; ensure that lethal force is strictly a last resort and used as a defence against an imminent threat endangering human lives;
9. Expedite prompt, independent and impartial investigations in the event of a complaint or information about possible breaches or violations of human rights committed by law enforcement authorities during any operations to maintain order; punish those responsible and enable victims to obtain redress as well as be given guarantees of non-repetition; to this end, establish an independent mechanism for monitoring and investigating the behaviour of the security forces;
10. Implement the recommendations set out in the reports of the Ministry of the Interior and the independent commission of inquiry about the excessive use of force against peaceful demonstrators in Ramallah on 30 June and 1 July 2012.

## ***Recommendations to the Israeli authorities:***

1. Comply with the provisions of international law on human rights and international humanitarian law relating to the status of an occupying power;

2. Accept and implement the recommendations relating to public freedoms contained in the Universal Periodic Review of the United Nations Council for Human Rights in 2013, including the recommendations related to the occupied territory;
3. In particular, repeal Military Order no.101, and apply Israeli or Palestinian civil law to public meetings and demonstrations in the occupied territory, once their compliance with international law is guaranteed;
4. Revise the rules applying to law enforcement authorities so as to bring them into line with the United Nations Basic Principles on the use of force and firearms by law enforcement officials; train the officers of security forces in how to apply them;
5. Release any individual who has been the victim of arbitrary arrest, suffered prosecution or conviction for taking part in a peaceful demonstration;
6. Stop the harassment of peaceful activists, especially in the villages declared as being “closed military zones”;
7. Adopt and implement the recommendations of the 2013 Turkel Commission about new methods of investigation in the event of violation of the law;
8. Expedite prompt, independent and impartial investigations in cases of violation of human rights, particularly in the event of the death of demonstrators, arbitrary arrest, torture and ill-treatment; ensure that those responsible are prosecuted for such acts and enable victims to obtain redress as well as be given guarantees of non-repetition;
9. Put in place an independent mechanism for monitoring and investigating the behaviour of the security forces during operations to maintain order in the occupied territory.