

«Ongoing Crisis»

The Systematic Nature
of the Suppression of
Freedoms in the West Bank

Lawyers for Justice
Annual Report

2022-2021



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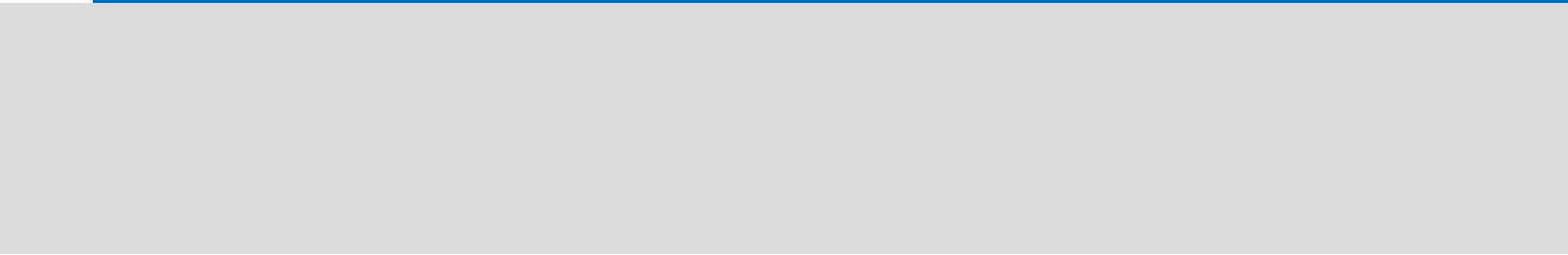
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Executive Summary

- During the second year of declaring the State of emergency (till 31/3/2022) “Lawyers for Justice Group” – will be referred to as the “Group” in the current report, due to its various members – had followed up approximately 179 detentions; Through human rights follow-up and legal representation. Additionally, the Group had documented other violations other than detention cases.
- The Group worked with 75 cases, those who had been arrested on the background of freedom of opinion and expression; represent 41.8% of the total arrest cases. 11 cases were arrested for publishing political critiques on social media platforms, while 63 cases were arrested for political affiliation. Most of the interrogated persons were charged with “weapon possession/acquisition”, and “raising/collecting fund for illegal organizations”; in order to extend their detention before the court. There were 13 university students among the arrested persons and 5 journalists were arrested due to their activism and work in journalism.
- The arbitrary arrest cases that had not been presented to any court were 31 cases including the cases of demand/order by the governor.
- Regarding the testimonies, in violating the right to physical and mental safety, 85% of the cases followed up by the Group, reported that their right to physical and mental safety was violated.
- The Group had followed up 63 cases arrested due to practicing their right to peaceful assembly (35.1% of the arrested cases during the given period)





Who Are We?

Lawyers for Justice Group started its work in the year 2011, as an individual initiative after the increase of violations in human rights in the Palestinian governorates in the Occupied West Bank. With infringement of the executive authority on both the legislative and judicial authorities, violations against human rights increased noticeably within the absence of monitoring the performance of the executive authority and the absence of accountability.

Lawyers for Justice Group provides legal support for the cases arrested by the Palestinian security forces due to practicing their right to freedom of opinion, practicing the right to social, professional union, the right to peaceful assembly, and political pluralism. The group provides support for the detainees in the various Palestinian governorates in the Occupied West Bank, through the “members of the Group” in each governorate. The provided support takes the form of legal representation before the Palestinian courts and public prosecution, alongside documenting the violations of human rights. Additionally, the Group provides awareness activities about the rights of prisoners from the moment of arrest until the moment of release.

The Group, through the cases being followed up, managed to document the violations and shared the recommendations that adopts, with the official and legal institutions to deal with these violations.





Introduction:

For over than two years, Lawyers for Justice Group, started working on developing its legal and advocating rights of work in the Occupied West Bank, within the escalation of suppression and violations of human rights by the Palestinian security forces. Violations of human rights are witnessing rapid increase and so; the Group associated itself with providing legal support and legal representation for the victims of human rights violations. Alongside with these services, the Group intensifies its efforts in the field of documenting violating human rights and activates accountability to minimize such violations, especially as violations are practiced systematically by the Palestinian security bodies apparatus, in a manner that violates the constitutional rights of Palestinians.

Likewise, during the first year of the state emergency that was declared on 5/3/2020, Lawyers for Justice Group, worked on documenting violations of constitutional rights by Palestinian security forces for over than one year. During the given period, hundreds of violations of rights protected by the Palestinian Basic Law were violated. Citizens, activists, and human rights defenders were violated systematically. The Group documented several political detention cases. Some cases were arrested due to practicing their constitutional rights such as the right to freedom of speech and self- expression, right to peaceful assembly, right to syndicalism/ union/professional work, and right to social activeness. Although the security authorities tended to justify the detention acts and associate them with felonies related to violating the emergency case law, yet, the details of the arrest acts were something different. The core of the arrest cases was political detention and although there was violation of the state of emergency, yet, continuing the imposing the state of emergency itself is violation of the law. The state of emergency was renewed on monthly base in clear violation of the Palestinian Basic Law, although the circumstances that required declaring the state of emergency ended and there was no need to continue it anymore.

Within the continuation of imposing the state of emergency for the second year where 26 decrees were issued, till the date of the in- hand report, either to declare or extend the state of emergency, the security bodies/apparatus are going on

in violating human rights. The security bodies are violating the constitutional rights of the citizens, especially in relation to the public freedoms that the Basic Law guarantees for all Palestinians. At the same time, such rights are protected by the International Human Rights Conventions and Treaties to which the State of Palestine acceded. The State of Palestine acceded to the IHRL instruments on voluntarily base and declared commitment to these instruments. However, the second year of the state of emergency, witnessed noticeable deterioration and clear violations of human rights as well as an increase in the crimes against human rights. Moreover, the applied tools to oppress people and confiscate/violate freedoms witnessed development as well where according to the presidential decree number 12/ 2021, the Palestinian Authority declared postponement of the presidential, Palestinian Legislative Council, and the National Council elections, till unknown time. Following issuing the given decree, human rights violations returned to appear gradually within the scene as masses refused the delay of the elections and protested against that in the streets and demanded right to elect the political representatives. Additionally, the violations increased following declaring ceasefire between the Palestinian resistance organizations and the Israeli forces during May 2021. The crown/ top of these violations was on 24/6/2021 when a Palestinian security force (protective security) assassinated the political activist Nizar Banat in Hebron City. Following that, tens of activists protesting against the given crime, were arrested and even beaten in the streets as they demanded justice for the killed victim. In addition, some supporters of the protestors were also arrested alongside with beaten and arrest of journalists and Human Rights Defenders while they were monitoring the demonstrations in the streets.



For that, the Group focused on documenting the violations of human rights during the report period (the second year of declaring the state of emergency). The focus was on violating constitutional rights of citizens and the violations of fair trial principles. The Group worked on documenting the cases of arrest on the background of political affiliation, activities within unions or student movement, alongside with arresting human rights defenders including lawyers and journalists. Additionally, the cases arrested due to participating in the protesting demonstrations and sits in alongside with the cases of arresting the supporters of the protestors. Arrested cases of human rights defenders who demanded justice for the killed/assasinated activist Nizar Banat, were also documented trough the Group's members. Arrested cases due to practicing their right to opinion regarding public issues, were documented and so cases of citizens arrested due to being involved in peaceful assemblies

In this sense/context, the report tackles the social and political rights according to the international human rights conventions and treaties and compares these rights with the rights affirmed by the Palestinian legal set. The report will tackle the right to free opinion and right to self- expression and right to peaceful assembly. Additionally, through the report, the Group will highlight right to life, right to physical/ mental safety, right to political participation, right to litigation, and the principles of fair trial. The report will survey the status of political and civic rights in the occupied West Bank and document the violations that the Palestinian security bodies committed during the period that the report covers. The violations documented by the Group and so the cases followed up by the lawyers, members in the Group, will be highlighted in the report.







Part I

Political and Civic Rights within the International Human Rights Law Instruments

Chapter I: Right to Freedom of Opinion and Expression:

Right to freedom of speech and self-expression is one of the fundamental rights affirmed by the International Human Rights Law instruments. These rights became the most arguable rights within the current international democratic regimes. The UN affirmed the right to freedom of opinion through the General Assembly Resolution number 59 (d-1) that was issued in the year 1946 (two years before the issuance of the Universal Declaration of Human Rights, where the mentioned Resolution states: "Right to access information is one of the human fundamental rights and it is the indicator through which the other rights that the United Nations dedicate efforts to realize them".

As affirmation of this right to be one of the basic unnegotiable/undebatable human rights, it was affirmed in the Universal Declaration of Human Rights. Article 19 of the UDHR states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart /disseminate information and ideas through any media and regardless of frontiers". For that, this right became one of the main principles of the United Nations where states parties should take the needed / necessary measures to protect it.

Article 19 of the International Covenant on Political Rights states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart disseminate information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"

Article 2 of the Universal Declaration of Human Rights states: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction/discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction/ discrimination shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust/mandate, non-self-governing/ruling or under any other limitation of sovereignty"

In addition to that, principle number one of Johannes principles that were endorsed in Johannesburg Conference on National Security, Freedom to Expression, and Access to Information, on 1/10/1995, states: "Any restriction on expression or information must be prescribed by law. The law must be accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful"



On a related Level, UNESCO Declaration issued by the twentieth Conference on 28/11/1978, included a bunch of principles about the contribution in media outlets in enhancing international peace and dialogue and reinforcing the human rights set. Additionally the UNESCO principles call upon combating racism, Apartheid, and incitement and pushing towards armed conflicts. Additionally, the principles of UNESCO affirm the right to opinion through media and public right to receive and access information.

Article 2 of UNESCO declaration states: “In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociably from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life”

Article 10 (paragraph 2) of the declaration states: “Exchanging information and knowledge should be encouraged and information should be spread world wide”. The aim is to protect people’s right to research and access to information on the way of developing opinion based on concrete information.

- **Restrict the Right to Freedom of Expression and opinion**

Despite affirming the right to freedom of opinion within the various international Human Rights Law Instruments (conventions, treaties, declarations), yet, these instruments allow imposing limited restrictions within exceptional situations. The aim is to serve the interests of the entire community and guarantee balance but without affecting the core of these rights or affecting the public freedoms

In this regard, the Universal Declaration of Human Rights states in article (29/2): “2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”

Article 19 of the International Covenant on Civic and Political Rights states: “The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of



national security or of public order (order public), or of public health or morals”

In the comments of the International Committee interested in human rights (10/ 1983) on article 19 of the ICCPR, the Committee emphasized women’s right to “have opinions freely/ freedom of opinion” without any harassment. Such right is considered essential and no exceptions or restrictions are imposed on it. Right to free opinion is not limited only to spread information, but also to seek information and knowledge regardless of frontiers and means. People have the right to access written, visual, and audio resources of information and knowledge or any other mean. Practicing right to freedom of opinion is associated with other rights and duties and so, it is possible to impose some restrictions on such right. Imposing restrictions could be in case practicing the right to freedom of opinion might lead to harm the rights of others or harm the entire community. The Covenant identifies 3 conditions to impose restrictions on the right to freedom of opinion where no restrictions might be imposed unless these conditions are met and respected. Restrictions should not be imposed but in order to achieve one of the two objectives endorsed in paragraphs (a and b) of the given article. The State according to its’ role, as part, should prove that these restrictions are necessary in order to achieve one or the two mentioned objectives. The Committee added that many state parties report that the right to freedom of opinion is protected according to the national constitution or the national legal set. However, in order to figure out the right of freedom to opinion according to both law and practice, then the Committee should get detailed information about the regulations that identify the right to freedom of opinion as well as the regulations that allow restrictions on such right. Additionally, the interested states as parties should inform the Committee about the circumstances and conditions that allow imposing restrictions on right to freedom of opinion as well as the various restrictions that affect practicing such right. The boundaries between the right to freedom of opinion and the imposed restrictions, are the tools to identify to which degree such right is protected.

On a related level, the Johannesburg Principles allow imposing restrictions on the right to freedom of opinion in case that is necessary to protect the national security. However, such restrictions should be included in the law and should be precise and clear and accords with the overall principles of democracy. Principle 6 states: “a. the expression is intended to incite imminent violence; (b) it is likely to incite such violence; and (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence”.

Principle 7 of Johannesburg principles state: “the peaceful exercise of the right to freedom of expression shall not be considered a threat to national security



or subjected to any restrictions or penalties". Despite the clarifications provided through this principle, yet paragraph (f) that is related to the maximum level of publishing information, authorizes the governments to identify the information that could be disseminated and those that could be banned. Additionally, principle 115 identifies the base through which information could be banned. In case the information does not affect the national security, and in case the public interest generated from publishing this information is bigger than the harm that it might cause to the national security. In such case, the government should not ban disseminating information.

Based on the above- furnished, any restrictions imposed on the right to freedom of opinion should be revised in accordance with the international conventions and treaties in this regard. The origin is allowance/permission while the exception is restricting/restriction as freedom is the base and so, these restrictions should not be arbitrary imposed. Arbitrary use of the restrictions might lead to make these rights nonsense and so, they become a tool available for the governments to restrict freedom to opinion. The result will be an emergence of a dictator regime that denies the right to political pluralism and freedoms and at the same time denies the international human rights law instruments.

Chapter II: Right to Peaceful Assembly:

Right to peaceful assembly is considered one of the major tools through which right to freedom of opinion is exercised. It stands as one of the pillars of the political pluralism in order to develop a democratic governance that affirms the respect of human rights and dignity. Right to peaceful assembly is related to the ability of citizens to arrange peaceful public meetings, conferences, rallies, and sits in, anytime and anywhere. The purpose of such activities is to exchange opinion regarding the various public issues and develop an opinion/attitude about/towards these issues whether to be pro or against or even to protest/against. Through such activities, participants can speak up their opinion and deliver their messages to the duty bearers as well as lobbying duty bearers to fulfill participants' demands. Believing in the importance of right to peaceful assembly, the international conventions and treaties emphasized such right in more than one place and through more than one instrument.

Article 20/ paragraph 1 of the Universal Declaration of Human Rights states in this regard: "Everyone has the right to freedom of peaceful assembly and association"



On a related level, the International Covenant of Civic and Political Rights addressed the right to peaceful assembly and identified clear determinants to practice such right. Article 21 of the Covenant states: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”.

Within the comment of the Human Rights Committee on article 21 of the ICCPR for the year 2020, the Committee states: 1. “The fundamental human right to peaceful assembly, allows individuals for collective expression and participation in forming their communities. Right to peaceful assembly is essential as it protects people’s ability to independence and express solidarity with others. Alongside with other rights, right to peaceful assembly represents the pillars of participatory governance based on democracy, human rights, rule of law, and pluralism. Peaceful assemblies might function as a tool to express thoughts and ambitious on the public level and identify the level of support or rejection of such thoughts/ objectives. In case peaceful assemblies are utilized as a tool to express injustice, then they might contribute in solving conflicts in a comprehensive participatory approach/manner. 2. In addition to the previously mentioned, right to peaceful assembly represents and will represent, a tool to activate and respect another bunch of rights including the social, political, and economic rights. Right to peaceful assembly has great value in regard to the marginalized groups (individuals/ groups). In general, unrespect to the right of peaceful assembly represent one of the oppression tools.

The ICCPR (article 2) obligates the states parties to guarantee and respect all the rights detailed in the Covenant and apply the needed legislative and other measures in case the rights were violated. Measures should be taken to account the perpetrators in case the rights are violated and at the same time, ensure justice for victims. State parties are obligated to respect all the aspects related to the right of peaceful assembly though it is allowed, in exceptional cases, to restrict the right to peaceful assembly as stated in article 21 of the Covenant. States parties should allow citizens to identify the objectives and the contents of the peaceful assembly. Additionally, the authorities’ treatment or restrictions of peaceful assemblies should be neutral but not related to the identity of the participants or their relationship with the authority. However, according to article 21 of the ICCPR, timing and locations of the peaceful assemblies could be restricted taking into consideration the applied methodology of expression



within the assemblies but, peaceful assemblies should be allowed in front of the target audience as long as it is possible.

- **Restricting the Right to Peaceful Assembly:**

Article 21 of the ICCPR identified the legal conditions that allow restricting freedom to peaceful assembly- the same restrictions imposed within article 19 of the Covenant on the right to freedom of expression. According to the given article: “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. However, the Human Rights Commission in its general comment 37 on the ICCPR, identified the clear meaning of the restrictions that might be imposed:

First: Maintaining the national Security is a cause upon which restrictions might be imposed in case these restrictions are necessary to the state to protect its regional safety and political independence due to being subject to attack by force or threatening to be attacked by force. Peaceful assemblies will not reach this level of threatening the state, but in very exceptional cases. In addition, it is not possible to oppress human rights in order to justify imposing restrictions in case the oppression itself, is the reason behind threatening the national security.

Second: Justify restrictions by “Protecting Public Safety”, should be accompanied by proving that the peaceful assemblies represent real threat on persons safety and public properties safety

Third: The term “Public Order”, refers to the group of general principles upon which the community is built. In this sense, public order means also to protect human rights including the right to peaceful assembly. States parties should not depend on vague definition of the term “Public Order” to justify imposing restrictions and the term public order is not equivalent to the term “Public Law” and the article of “banning public Chaos” in the local laws should not be utilized to restrict peaceful assemblies.

Third: “Protecting Public Health”, could allow imposing exceptional restrictions as the case within the spread of some pandemics where assemblies become a risk. Such case might be applicable to extreme circumstances when the assemblies might cause risk on the public community and on the participants themselves.

Fourth: Peaceful Assemblies should not be restricted as justification to protect “Public Ethics” but in exceptional cases and these restrictions should be



imposed within the global frame of human rights, right to pluralism, and no discrimination.

Fifth: The restrictions might be related to “Protect the rights and freedoms of others” in the light of the protection endorsed in the ICCPR and other conventions/ treaties, related to protect the rights of persons not involved in the assemblies. At the same time, assemblies are authorized to use public facilities.

- **Roles/ Duties of Law Enforcement Bodies:**

The Human Rights Committee in comment number 37, identified the roles and duties of law enforcement bodies where it states that the law enforcement bodies should ensure protecting the basic human rights of those involved in the peaceful assemblies. Additionally, law enforcement bodies should protect journalists and the observers of the assemblies alongside with the medical staff and other members of the masses and should protect the public/ private properties. Once needed, facilitating for peaceful assemblies should be the major field of intervention of the law enforcement bodies.

For that, trained law enforcement bodies’ on treating peaceful assemblies and on respecting human rights, are those who should be allowed to be in presence within the peaceful assemblies. The aim of the training is to introduce the law enforcement personnel to the rights and needs of the vulnerable weak groups that might be involved in the peaceful assemblies. Some of these groups could include women, kids, and persons with disability who might participate in peaceful assemblies. The army should never be involved to guarantee the security within the peaceful assemblies. However, in case members of the army are in presence for specific objectives, then those should have been trained earlier in the field of human rights and their presence should be temporarily and for exceptional cases. Those army members should abide to the same international human rights rules alike the rest of the law enforcement bodies’ members.

Dispersing peaceful assemblies should not be allowed but in exceptional cases. It is allowed to disperse the assembly in case it is no more peaceful or in case that there is a threat that a huge violence will occur and it is not possible to deal with such violence reasonably. As a general rule, it is not allowed to disperse any peaceful assembly as long as it is peaceful even if major harm is caused such as blocking the traffic for a long duration as long as no big disorder results from that.

The participant states are responsible for any act or abstain from taking action by the law enforcement bodies. To avoid violations, then participant states should enhance the culture of accountability of the employees responsible for



the enforcement of the law responsible to deal with the peaceful assemblies. To ensure accountability, then the employees of the law enforcement bodies should put on unified uniform that makes it easy to figure out their identity during the peaceful assemblies. The participant states should investigate in timely manner any complaint submitted against law enforcement body members for violations or applying force in dealing with the peaceful assemblies.

- **Participant states' Commitments regarding the Right to Peaceful Assembly:**

In addition to what is furnished so far, the ICCPR, in article 2, obligates the participant states to Respect and Guarantee all the rights endorsed within the Covenant. Participant states should take legislative and non- legislative measures to ensure the protection of the given rights and ensure accountability as well as providing victims with justice as stated in the Covenant.

Participant states should allow the participants on activities to identify the purposes and expressive content of their assembly. Treating the peaceful assemblies and any restrictions that might be imposed, should be neutral on the level of the content but not based on the identity of the participants and their relation with the authority.

Participant states additionally, should ensure independent transparent observation of all the bodies that deal with peaceful assemblies. Additionally, participant states should ensure participants' in activities access to justice including access to litigation as well as accessing the services of the national human rights organizations for remedy in case their rights are violated.

The role of journalists and human rights defenders and observers of elections and other persons involved in monitoring peaceful assemblies, is very important role within the set of rights associated with the right to peaceful assembly. Those groups of persons have the right to enjoy protection according to the Covenant. They should not be banned from performing their roles including monitoring the performance of Law Enforcement bodies' employees. There should be no restrictions imposed on the roles of those persons and they should not be subject to revenge or any other harming attacks due to performing their roles. Their equipment should not be damaged or confiscated due to their documentation of the violations against peaceful assemblies. In case the assembly is declared illegal or was dispersed, that does not mean violating the right to observe. One of the major good practices of human rights and civil organizations is observing the violations of human rights, especially during peaceful assemblies.



- **Informing the Authorities about the tendency to arrange Peaceful Assembly:**

The General Committee of Human Rights emphasized in comment 37/ 2020 that applying to get approval from authorities to arrange peaceful assembly, in itself violates the right to peaceful assembly. The systems that obligate those intended to arrange a peaceful assembly to get pre approval from the authorities and describe the details of the assembly, is accepted in case the purpose is to help the authorities facilitate the peaceful assembly and protects the rights of others. On a related level, such condition should not be used to restrict the peaceful assembly and imposing such condition should be according to the circumstances mentioned in article 21 of the ICCPR. Requesting permission should not become a condition in order to arrange a peaceful assembly by the masses. Requirements from those involved in a peaceful assembly should accord with the public impact of the assembly on the masses. However, the Committee stressed that the system of informing about the peaceful assemblies should not be used as a system to force getting permissions ahead of arranging the assembly.

In case the authorities were not informed about the tendency to arrange a peaceful assembly, then it should not be considered that the assembly is illegal. None should be criminalized for participating in a peaceful assembly in case the authorities were not informed. The authorities have no right to disperse the peaceful assembly in case the organizers did not inform the authorities earlier of the gathering. In case the authorities impose criminal procedures against those who organize a peaceful assembly without informing the authorities ahead, then the authorities should justify such procedures. The fact that the authorities are not informed about a peaceful assembly does not mean that the authorities have no responsibilities towards protecting the assembly.

Section III: Right to Political Participation:

Right to political participation as either voters or candidates is among the pillars upon which democratic regimes are built. For that, transparent elections are considered as a major tool to ensure protecting the human rights set in general.

Right to elect and nominate within transparent elections is connected with another set of fundamental human rights where enjoying these rights is considered essential in order to guarantee the right to political participation. These fundamental rights include right to dignified life, right to never be subject to discrimination, right to freedom of opinion/ expression, right to establish organizations, right to peaceful assembly, right to freedom of mobility, and other related rights.



Right to freedom of opinion and expression, is a major pillar of the democratic regimes and a guarantee for free transparent elections and a valuable representative political discourse. Right to freedom of opinion and expression becomes more significant during the periods of political change where it protects the individuals right to exercise their civic and political rights. Ensuring protection of right to political activeness will lead to conduct a just democratic process.

Within the context of elections and political participation, then the right to freedom of opinion and expression should be ensured for the three major groups involved in the elections. First, voters who have the right to get adequate information and express their opinions freely as well as being safe to express their political affiliation. Second, the candidates who are in need to enjoy their political rights through arranging electoral campaigns and convey their messages without fear or interfere from the government. The third group is the media outlets that depend on the right to freedom of expression in order to perform their democratic role of informing the public about the developments and what is going on as well as analyzing the discourse of the political parties to help voters elect based on clear information. Media usually plays a role in promoting the programs of the political parties among the public in order to enable people to elect based on concrete credible information.

Affirming of the right to participate in public affairs and political participation, article 21/ 3 of the Universal Declaration of Human Rights states: "The will of the people shall be the basis of the authority of government; this must be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".

Article 25 of the ICCPR states "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country".

The previous article of the ICCPR affirms and protects people's right to participate in the public affairs and right to elect and be elected. Additionally, it protects individuals' right to occupy the public positions. The Covenant calls upon the states parties regardless of their nature and the nature of their political regimes, to take the appropriate measures that might contribute in protecting all the rights highlighted within it. This article is considered the base of the democratic governance.



Chapter IV: Right to Life and Arbitrary Execution:

Right to life is the core of human rights set in general and it is indivisible right as well. The international human rights law instruments affirmed the right to life in several conventions and treaties including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as well as the optional protocol annexed to the Covenant.

In article 3 of the Universal Declaration of Human Rights, right to life is affirmed: "Everyone has the right to life, liberty and security of person". The International Covenant on the Civil and political Rights states in article (1/6): "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

According to article (2) of the Universal Declaration of Human Rights and articles (2 and 6) of the ICCPR, each person is entitled to the right to life without discrimination based on language, religion, race, thought, political affiliation, or any other backgrounds. There should be no discrimination based on the political background of international law or any other background. All persons are entitled to access the resources of justice in case their right to life is violated.

Paragraph 2 of article 4 of the ICCPR emphasized that that exceptional circumstances should not justify threatening the life of persons. The internal stability status should not be used as justification to violate people's right to life and personal safety. In comment number 16 of the International Human Rights Committee interested in the civic and political rights during the twenty third round of the committee, in the year 1984, the committee emphasized the right to life where it states: "right to life mentioned in paragraph one of article 6 of the ICCPR, is the supreme right that should never be violated even during the state of emergency".

One of the major international instruments that highlighted the right to life is the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989. Principle number (4) states: "Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats".

Arbitrary execution means "killing any person by a state agent or any other person working for the state without being subjected to the appropriate legal and judicial measures".



Arbitrary execution cases are, in most of the cases, are killing acts in suspicious circumstances. Arbitrary execution cases are characterized of the following:

1. The death occurs while the victim in the hands of the persons responsible to law enforcement such as being held custody by police or persons working for the government (government agents)
2. The death was not followed by official investigation and the authorities did not do corpse dissection, or that no practical steps are taken to collect evident of the crime such as medical reports or signs that the victim was subject to torture.

Arbitrary execution cases include the murdered cases for political reasons or the death resulting from torture or other forms of cruel and degrading treatment in addition to killing after kidnapping persons or compulsory disappearance.

The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions Recommended by Economic and Social Council, include directions to the states and to the human rights employees under three sub titles: prevention, investigation, and legal procedures. According to principle number 1: "Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences".

In principle number 2, and in order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and fire arms. 3 and as a tool to ban extra judiciary killing, execution without litigation, and arbitrary execution.

In principle number 3, it is stated: "Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions"

Principle 4 states: "Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats"

Principle 9 states: "There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions,



including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice, which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide”.

Applying these procedures during investigation of death cases, would contribute in uncovering other outlaw execution cases. Additionally, the given principles provide guidance for the international investigators to evaluate the suspicious death cases. The United Nations collected and explained all the principles within the guidelines of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

- **Restriction of Using Force by the Official Employees to Prevent Arbitrary Execution Cases:**

In comment number 6 of the Human Rights Committee about the ICCPR during the sixteenth round in 1982, the Committee states: “The protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6 (1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities”.

Killing resulting from the legal usage of force is not considered arbitrary execution. State actors responsible for enforcement of law should apply first nonviolent methods before using firearms. State employees are not authorized to use fire arms unless it is clear that are other methods will not enable them to achieve their mission or in case there is no possibilities to achieve the missions without using fire arms. Once there is no choice but to use fire arms, then the state employees responsible for enforcement of law, should ensure minimizing the injuring persons and should respect the right to life.

Article 3 of the UN Code of Conduct for Law Enforcement Officials states: “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty”. The Commentary on this article states:



1. This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.
2. National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.
3. The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

- **Legal Procedures to be applied to account those responsible for Arbitrary Execution Acts:**

The International human rights committee emphasized that all governments should take measures against all the persons involved in extrajudicial killing and arbitrary execution as well as execution without trial. These procedures should be applied in all the geographical area under the governance of the state. The state should either present those persons to trial or even to cooperate in handing them to other states that might apply their own legal procedures against such persons. Such principle is applicable regardless of the nationality of the perpetrators or the nationality of the victims and the place where the crime took place.

Likewise, the Committee emphasized that a decision issued by a president or a head of an authority should not justify extra- judicial killing, arbitrary execution, or execution without trial. It is possible to consider presidents and high Officials and other public officials, responsible for the acts committed by officials working under their supervision in case they did not take measures to ban the acts of arbitrary execution and other extra- judicial killing acts. No impunity is given to any person proved to have a role in any act of extra- judicial



killing, arbitrary execution, or execution without trial. No impunity is given to those persons even during the cases of emergency, siege, or any other similar situation. Moreover, the families of extra-judicial executed victims and those dependent on the victims for their living, have the right to get just remedy.

- **Section V: Right to Mental and Physical Safety**

Torture represents one of the worst violations of human rights as it stands as cruel degrading treatment and makes victims subject to harming. All forms of torture and cruel treatments are prohibited and all perpetrators should be accounted for their crimes where such crimes are not statute of limitation. For that, all national and international legislation banned torture and criminalized those who torture others. Despite criminalizing the torture and the emergence of voluntarily confession of practicing torture, following the domination of human rights principles that criminalized torture, yet, torture is still practiced on the world level. Torture is a well seen phenomenon within the oppressive regimes where rulers refer to torture to oppress and surrender people. Thus, torture became a methodology within the performance of the security bodies in the given states in order to ensure full control of nations and push these nations to give up and accept the oppressive dictatorship regimes.

For that, the international human rights conventions and treaties stressed prohibition of torture. Among the Human Rights Law instruments that banned torture are the Universal Declaration of Human Rights, the International Covenant on Civic and Political Rights, and many other international conventions and treaties that all criminalized torture.

Article 5 of the Universal Declaration of Human Rights states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. The ICCPR (article 7) states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation”.

Within the spread of torture and human degrading in several states, the United Nations adopted, on 10/12/1984, an agreement entitled: “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”. The Convention became into force on 26/6/1987



- **Definition of Torture:**

In article 1, the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, identified torture as: “For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”. In paragraph 2 of the same article, the Convention states: “This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application”.

Torture as a Crime against Humanity:

Another definition of torture as a crime against humanity was endorsed with Rome Statute of the ICC that was adopted in Rome during June 1998. Article (7/2/h) states that: “Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court”. The given definition in the Rome Statute differs from the definition endorsed within the CAT as it does not condition practicing torture by officials or those working under their supervision. Thus, it is possible to include here the crimes of torture committed by groups or special units or even individuals as long as such crimes are systemized. Additionally, the given definition does not condition recognizing torture as crime against human being to be used as a tool to extract confession and other information.



- **Forms and Types of Torture:**

There is a variety of forms of torture that lead to mental or physical harm for victims. There are two types of torture:

1. Physical Torture:

Any physical harm caused for the victim that might lead to permanent or temporarily disability and sometimes might be torture that leads to death.

2. Mental (psychological) Torture:

The practices that cause psychological suffering within the victim due to using methods such as threatening or blackmail or other forms of mental torture where in most of the cases, such practices might push the victim towards suicide or losing mental ability. Additionally, these practices might push the victim to forcibly change his place of residency

Chapter VI: Right to Litigation and Fair Trial Principles:

The international and regional human rights instruments, including the reports of the commission interested in human rights, national legal set, and national litigation backgrounds, affirm the right of each person deprived of liberty, to lodge a case in front of a court that is legally established to discuss the case and rule over whether arresting him is legal or not. The human rights instruments emphasize the right of the person held custody to access resources of justice, especially in case of appealing against arresting him. The International Human Rights Instruments, mainly the Universal Declaration of Human Rights and the ICCPR, emphasized the mentioned right. Alongside with that, a special Team entitled: "Working Group on Arbitrary Detention", was formed in accordance with the Human Rights Committee Resolution number 42/ 1992.

Right to Litigation within the International Human Rights Instruments:

Article 7 of the UDHR states: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination".

The UDHR, emphasized in articles (8, 9, 10, and 11), emphasized that each person is entitled to the right to refer to the national courts to seek justice in case of any attack on his legal rights. Additionally, each person is entitled to the right to be presented to an independent integrated court to discuss his case on public and rule over any charge he is subject to where such right is protected for all persons



equally. The Declaration emphasized that each person has the right to be non-guilty unless he is found guilty through an independent court that respects the principles of fair trial and the presence of a lawyer to advocate him against the court. It is prohibited in all circumstances to arbitrarily detain or deport any person. No person should be charged due to performing his duty or abstaining from performing any act unless that is criminalized within the national and international laws once he is on duty. The Declaration obligates the national or international court to rule based on the best interest of the charged person.

The ICCPR in article 14 emphasized that all are equal in front of the courts. Each person is entitled to the right of being presented to an independent integrated court formed according to the law to discuss any charge he is entitled to. It is allowed to ban journalists and public from attending the court for the sake of protecting public ethics or public order or even public security within a democratic regime. The court has the right to decide to make the session public or closed in case being public might lead to harm the justice. However, any judgment regarding a criminal case or civil case should be published on public and emphasize that the ICCPR focused on the right of the person to be declared not guilty unless there is a clear charge by the court.

To emphasize the right to liberty and to combat arbitrary detention and the principles of fair trial and criminal procedures, the ICCPR emphasized in article 9 that each person has the right to liberty and physical safety. It is prohibited to detain or interrogate any person arbitrary and it is not allowed to deprive any person of his liberty but based on legal justifications and according to the applied procedures in this regard. Any interrogated person has the right to be informed about the reasons of the interrogation and should be informed immediately about any charge he is entitled to. Interrogated persons have the right to be presented to a judge or any employee responsible for litigation process and the person has the right to be litigated within a reasonable duration or to be released. Detaining the persons waiting for litigation should not be the base and they have the right to be released under warrantee till the date of the court session and warrantee to implement the judgment once issued. Each interrogated person has the right to appeal against the detention in front of specialized court that should not delay ruling over the legitimate of detention. The court should rule to release the detained person in case found that the detention is illegal and the person in this case is entitled to the right of remedy.



- **Fair Trial Principles:**

Article 14/ 3, of the ICCPR identifies the minimum principles and guarantees of fair trials to which all persons are entitled to while discussing the case where all persons are equal in enjoying these rights:

1. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
2. To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;
3. To be tried without undue delay;
4. To be judged in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
5. To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
6. To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
7. Not to be compelled to testify against himself or to confess guilt.

Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. In case the ruling was canceled or the evicted got pardon due to discovering a new indication that the evicted was subject to litigation mistake, then the person is entitled to remedy for the injustice he faced. In case the evicted found that he bears the responsibility for not covering all the details of the felony, then he will lose his right to remedy. Additionally, no person should be trialed for a crime or felony that he was judged for before and received final judgment according to the applied criminal procedures in a given country.

The United Nations Working Group on Arbitrary Detention emphasized in the guiding principles, the right of each person deprived of liberty to appeal to a court against detaining him. The principles emphasized the responsibility of each state party to ensure the right of persons deprived of their liberty, to appeal against detaining them. Appealing against arbitrary detention protects



the individuals' rights to freedom and physical safety that might be affected due to the arbitrary detention. Such principle emphasizes the right of each person to be known where he is detained as well as identifying the legality of the applied criminal procedures and to figure out whether the authority that detain him has the legal justification to detain persons. In such case, the detained person will have access to justice resources and receive the required remedy. Arbitrary detained persons have the right to be released at the moment the appeal against detaining them is accepted. All the international and national human rights instruments emphasized the right of all persons to lodge a case in front of the courts. The UN Working Group on Arbitrary Detention encourages the states parties/ participant to highlight such right within their national legal set.

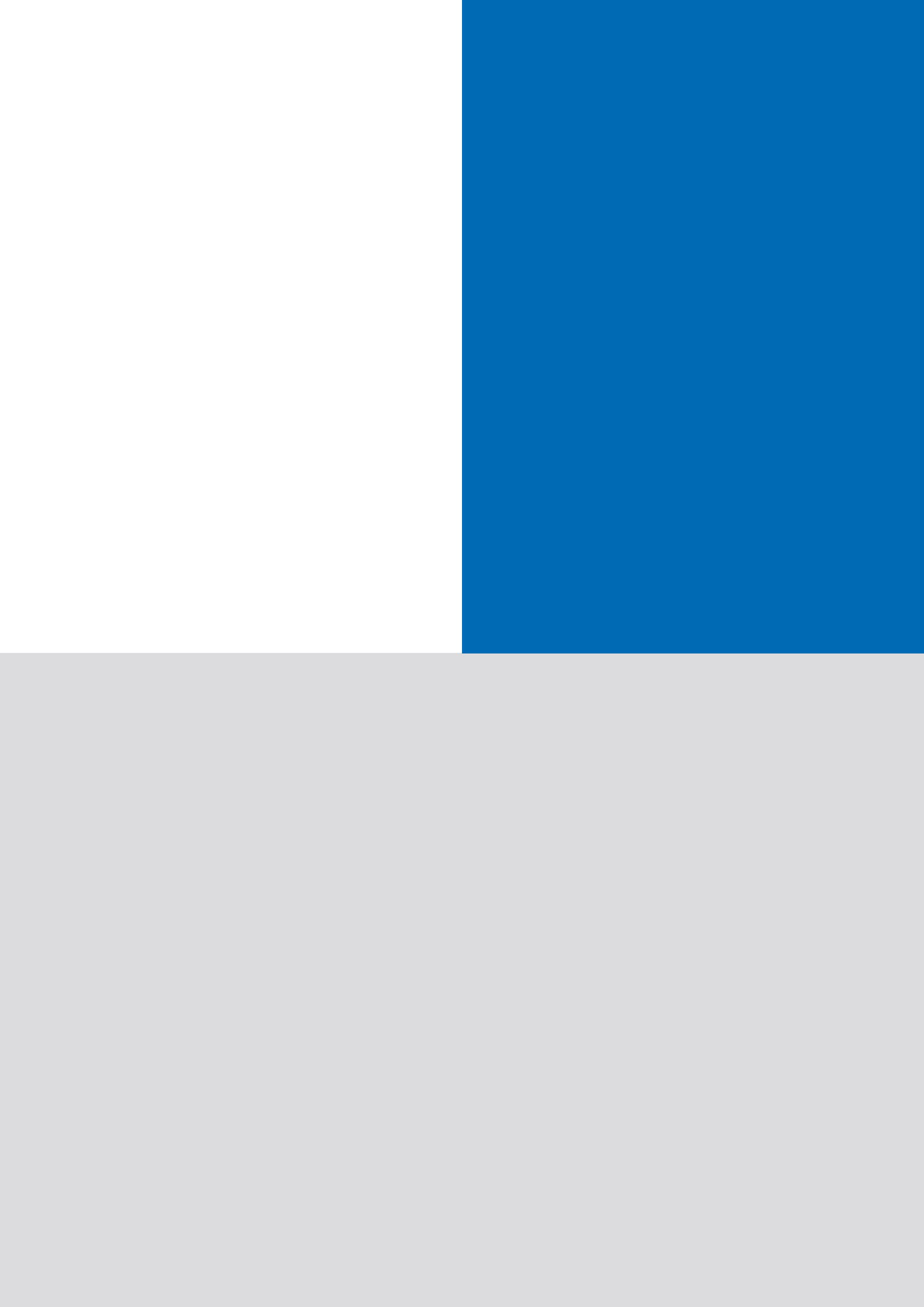
For the sake of these principles, the concept "Deprived of Freedom" is applicable from the moment that a person is elected and during the interrogation period as well as the period after the court decision to release him in case the decision was not implemented.

Deprive of Freedom according to the given principles is considered arbitrary in the following cases:

1. In case there is no legal justification to continue depriving a person of liberty (such as keeping a person under detention even after serving the term of his judgment or in case keeping a war prisoner under interrogation after the end of the armed conflict)
2. In case the person is deprived of his liberty due to practicing his rights and freedoms identified within the UDHR, or the rights identified by the ICCPR.
3. In case of violating the international principles of fair trial, which are identified by the UDHR and the related international human rights instruments that the state party accepted where deprive of freedom might cause a risk on the safety and life of the detained person
4. In case depriving a person of liberty is a violation of the international law such as discrimination based on race, origin, gender, language, religion, economic status, political opinion, disability, or any other background that leads to violate human rights.



According to UN Guiding Principles, depriving a person of his liberty is considered illegal in case it is not justified by a clear legal text. Depriving Liberty that violates the law is associated with all the cases of detention that violate the national legal set and the detention that violates the UDHR, the General Principles of the International Human Rights Law, international Customary Law, and the international human rights instruments that the state declared being applicable in its geographical mandate area. The definition includes also the detention that might be legal at the beginning, but become illegal in case the evicted was not released following serving the full term of the judgment he received.





Part II

Civic and Political Rights within the Palestinian Legal Set





Since the recognition of Palestine as observer state member within the United Nations on 29/11/2012, the State of Palestine acceded to several international conventions and treaties include the core conventions of the United Nations. Acceding to the International Conventions and Treaties by the State of Palestine was without any reservations, which results in two major commitments that should be respected. The first is a national commitment where the international conventions and treaties should be localized within the national legal set where this is an immediate direct commitment following acceding to the conventions and treaties. The second commitment is an international commitment, where the State party should submit periodical reports to highlight the procedures and practices made towards implementing the conventions and treaties to which the state acceded. Additionally, the state party should submit reports about the status of human rights and the applied procedures and practices in this regard and progress made to enable the citizens to enjoy these rights according to a clear timeframe.

The Palestinian Basic Law emphasized the respect of human rights and made respecting and protecting human rights as hard legal rule. Article 10 of the Basic Law states: "1. Basic human rights and liberties shall be protected and respected; and 2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights." Article 32 considered any violation of this right as a crime that is not statute of limitation: "Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties that have been guaranteed by law or by this Basic Law shall be considered a crime. Criminal and civil cases resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage".

The Basic Law, additionally, stressed the respect of basic human rights and public freedoms during the state of emergency. In this regard, article 111 states: "It is not allowed to impose restrictions on fundamental rights and freedoms when declaring a state of emergency except to the extent necessary to fulfill the purpose stated in the decree declaring the state of emergency."

The current part of the report is dedicated to highlight the civic and political rights within the Palestinian legal set comparing to the international human rights law instruments. Through the report, the rights to be addressed will be: Right to freedom of Opinion and Expression, Right to Peaceful Assembly, Right to Political Participation, Right to Physical and Mental Safety, and the Right to Litigation and free trial.



Chapter I: Right to Freedom of Opinion and Expression:

The Palestinian legal set protected the right to freedom of opinion and expression and ensured respecting such right as constitutional right that should not be violated, in accordance with the international human rights instruments. However, there are several applied laws in Palestine that violate such right and so, violate the rights that were protected by the Basic Law and the international human rights law instruments.

- **Amended Basic Law-2003**

Article 19 of the amended basic law- 2003 states: "Freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law". Indeed, the article in this structure is vague and open for interpretation by adding to it the term "Respecting the rules of Law" as a guarantee to practice the right to freedom of opinion and expression. Within this wording of the article, it is open to impose restrictions on the right to freedom of opinion based on legal set. Even though, the base remains to respect the freedom to opinion and there is no difference in opinions related top political, economic, or social issues. In case of restricting freedom to opinion, then such restrictions should be based on a legal text that justify the restrictions.

Article 27 was dedicated to stress the media freedoms and protect these freedoms by the constitution. The mentioned article states: "1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. Their financing resources shall be subject to the scrutiny of the law.2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws. 3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling".

- **Publication and Printing Law 9/ 1995:**

The publications and printing law emphasized the right to freedom of opinion within several articles. Article 2 states: "The press and printing are free, and freedom of opinion is guaranteed to every Palestinian, and he has the right to express his opinion freely in word, writing, image and graphic in the means of expression and the media." Article 4 of the law emphasized the freedom of media and stressed in paragraph (d), the right of citizens, political parties, and



the cultural, social, trade union institutions to express ideas and thoughts freely as well as presenting their achievements through publications. Additionally, paragraph (h) of the same article emphasized the right of journalists, news agencies, and editors to keep the resources of the news and information secret unless the court rules opposite to that once dealing with a criminal case or in case there is a need to uncover the resource for the sake of protecting the national security or to prevent a crime. Uncovering the resources of the news and information could be in case that will contribute in achieving justice. Likewise, article (6) of the law states: Public authorities should facilitate for journalists to access the resources of information and to know the strategies and programs of these authorities.

However, there are several gaps within the Printing and Publications Law as it contains several restrictions as well as vague wording that could be interpreted in several ways. The vague wording gives coverage to impose restrictions of freedom to opinion and expression. The law gives the executive authority the space to widen its control and domination of media outlets. Imposing control on media agencies stands as risk on freedom to opinion and expression. Additionally, the law itself is old and needs to be updated and amended to harmonize with the international human rights law instruments. Moreover, as an old law, it means that it is applicable only to the traditional media outlets such as newspapers and magazines and so on, but does not cover the electronic media and social media websites despite the efforts to apply the law to the modern media tools.

- **Penalty Code 16/ 1966**

Although the applied penal code in Palestine is an old version that needs update and harmonization with the international conventions and treaties, yet, it represents a risk on the freedom to opinion and expression. The applied law includes several vague unclear terms that could be interpreted in several forms. Among these terms is the term hate speech, state power, stimulating sectorial and tribal discourse, where the state authorities might depend on their interpretation of these terms in order to impose restrictions on freedom of journalism and freedom to opinion. Additionally, the state security bodies might depend on these terms to oppress journalists and political activists as well as human rights defenders once they are practicing their right to freedom of opinion. Those activists might be arrested and subject to penalty for nothing but for practicing their role. Applying such procedures, violates the Palestinian Basic Law itself that guarantees the right to free media in addition to violating the international human rights instruments to which the State of Palestine acceded.



Due to the variety of the legal articles within the penal code that violates right to freedom of opinion and expression we will limit the discussion within this report to the crimes of slandering. The law included several rules that deal with the crime of slandering as these acts affect the reputation of the individual or the public employee of the president himself. Slandering might be against the state institutions, foreign countries, or even the political regime although many of these acts are considered eligible within the democratic regimes. These acts are considered currently as part of human rights to self-expression and person's right to express his feelings, thoughts, and feelings freely.

Article (188) identified slandering as: "associate anything with someone, even in case of questioning and suspicious, with an act that might harm his honor or dignity or make him hated or insulted by people whether this act is a crime that requires punishment or not". Additionally, the same article identify traduce as harming the dignity and honor of a person, even in the case of questioning and suspicious without prove". As for contempt, it was identified in article 190 as: "Any contempt or cursing, rather than slandering and vilification associated with the victim either face to face through word, drawings, or written whether in public or through message or phone call"

In contrast to the applied procedures by the democratic regimes, regarding defamation of public officials, the applied penalty code in Palestine increases the punishment against defamation according to article 191. The punishment could be two years of imprisonment in case the defamation is against the parliament or any of its members during their work or because of an action they did. The same punishment is applicable in case the defamation is a government of official entity or the ruler. The same is applicable in case the public administrations, army, or any official employee on duty was subject to the mudslinging. Additionally, article 193 increases the punishment for the crime of slandering in case it is against any of those mentioned in article 191. Additionally, article 196 increases the punishment in case it is against a public employee who is subject to contempt while on duty or as a result to performing an official duty. In case the contempt is against a judge on the court panel through speaking of gesture, then the punishment ranges between 3 months to two years of imprisonment.

The penal code restricts the issue of proving the act as it distinguishes between the contempt cases against those in public posts and other acts. Thus, the law limited the space of the issues that could be addressed once speaking about public employees. According to article 192, slandering against public employees is not allowed once they are on duty and could be criminalized. In case the slandering is related to the duties of the post only, then the person is not guilty, otherwise, he is sentenced according to the level of punishment identified by



the law. In case the slander is related to publish information about the status and history of the public employees, then the publisher could not be asked to prove what he published about a public employee and he might be punished whether what is said is true or not.

Public employee in the previous cases should not appeal for personal right as the penal code is strict in this case and protects the personal right of the public employee. In case the slandering or contempt is against a public employee of a state authority, then there is no case to advocate for the personal right in order to lodge a case against the perpetrator where he would be judged even without filing a case against him by the affected person or authority.

However, not all the acts of slandering and contempt are criminalized by the law as there are some allowed cases. Article 198 identified the cases of publishing true information as slander and contempt that are allowed and not criminalized and publishing this information is of benefit for the public interest and in case the publishing process does not violate any other law. Article 199 conditions authorizing such publishing with the availability of good will in case the relationship between the publisher and the targeted person returns with legal responsibility that requires the publisher to uncover the information he has. Similarly, publishing is allowed in case there is personal interest for the publisher but should not exceed the limitations identified by the law.

Decree- Law 10/ 2018 Regarding Electronic Crimes:

The decree- law about the electronic crimes is considered a major threaten of human rights as it violates right to freedom of opinion and expression. Additionally, the given decree- law violates the privacy and the right to access information and contradicts with the related international conventions and treaties that were addressed earlier in the first part of the current report.

Article 29 of the given decree- law, allowed dismantling the media agency in case associated with one of the crimes detailed in the mentioned decree- law regardless whether the crime is up to the level of the penalty or no. Dismantling the agency is the punishment associated with any crime, but not to limit it to the dangerous crimes only. Thus, it is possible to close many media agencies and news websites based on the law where dismantling any media agency or closing it is a kind of execution that affects the rights of all individuals working for such institution.

The decree- law (article 31), obligated the internet services provider to share the data of the clients with the specialized authorities based on the request of the public prosecution or the government. Additionally, services providers are forced to block the link of the websites or applications from its server based



on a decision of the judicial authorities. Articles (32, 33, and 34) allowed the public prosecution or any authorized person from the judicial police, to get the machines and electronic data as well as the user's name and password to access some websites. Additionally, the law authorized to investigate the data resources and obtain the data of the clients as well as keeping the data or part of it as well as keeping the electronic devices. Such practices represent clear violation of the privacy of individuals as well as standing as risk on their life. Right to freedom of opinion and expression is violated clearly here. Such act should be associated only with a specialized court through judicial ruling that should be necessary to ensure justice. Additionally, there should be listing of the crimes that require such procedures in order to ensure that the security bodies will not refer to this law to deny right to freedom of opinion and expression as well as violating the privacy of citizens.

Article 39, allows blocking the websites based on a decision from investigation authority. Request to block a website should be submitted to the public prosecutor or one of his assistants to obtain a ruling from the reconciliation court to block the website within 24 hours duration. The justification here are vague and applicable to interpretation such as "Protecting the national security" where security bodies refer to such terms in order to demand blocking several websites and pages that criticize the Authority or express opposition to the regime.

More than that, article 45 of the same decree- law, opened the door to criminalize many of the acts that take place through internet depending on other legislation. Among these legislation is the Jordanian Penalty Code (16/ 1960) and the Printing and Publications Law/ 1995 alongside with other applied laws and criminal procedures. These laws include articles that criminalize acts depending on vague wide terms such as the crimes of contempt, slandering, and talking against high profiled positions as well as for stimulating sectarian and tribal dredges in case committed through internet or through any website.

There is a need to mention here the telecommunication Law (3/ 1996) regarding wire and wireless communication as it includes several vague and wide terms that might be utilized to restrict freedom to opinion and expression. Such acts are criminalized and require penalty as mentioned in article (91- a.): "each person who threatened another or published a false news through any mean of communication for the sake of terrorizing, is punished for a period of imprisonment no less than one month and no more than one year in addition to a financial penalty no less than 50 JD and no more than 200 JD or even punished with a combination of the two penalties".



Chapter II: Right to Peaceful Assembly:

The Palestinian amended basic law 2003, and the public assemblies law (12/ 1998), and the bylaws of the public assemblies law (1/ 2000), represent the constitutional legal background for the right of peaceful assembly.

The Basic Law affirms the right to peaceful assembly where paragraph 5 of article (26) states: "To conduct private meetings without the presence of police members and to conduct public meetings, gatherings and processions within the limits of the law". The law of peaceful assemblies guaranteed people's right to conduct public meetings freely and provide protection for such right. Article 2 of the law states: "people have the right to conduct public meetings, seminars, and rallies freely. No violation of such right is allowed or any restrictions should be imposed as stated clearly in this law". The law identified public meeting as: "Any public meeting to which more than 50 persons are invited in a public open space including public yards and venues, playgrounds, parks, and so on." Based on the given definition then it is indicated that:

1. Any meeting to be recognized as public meeting should include at least 50 persons and in case the number of participants is less than that, then it is not considered a public meeting
2. The meeting should be in a public uncovered place, which means that any meeting conducted indoors is not considered a public meeting even if attended by 50 persons or more and is conducted without the interference of the police and public authorities.

Article 3 of the same decree- law requires the organizers of a public meeting to inform the governor or the director of the police about the place and date of the meeting within 48 hours ahead while article 4 identified the determinants included in article 2 mentioned above. The main purpose of the determinants is to organize the traffic only. The determinants are:

1. The organizers should submit a written notification should be submitted to the governor of the police director including the date and the place of the meeting within 48 hours ahead. In case the notification is submitted by a legal entity, then the signature of the representative of each entity is enough.
2. With no harming of the right to peaceful assembly, the governor or the director of the police is authorized to put restrictions on the duration or direction of the meeting (according to article 3 above) for the purpose of



organizing the traffic but should inform in written, the organizers with these restrictions twenty- four hours after receiving the notification of the proposed meeting.

3. In case no written reply is provided to the organizers, then they have the right to organize the meeting according to the date and place mentioned in the notification.

As emphasis of the right to peaceful assembly, article 5 of the Peaceful Assembly Law ensures the right of participants in a peaceful assembly to be protected by the official authorities as long as the protection measures do not violate the right of participants to peaceful assembly. We believe that the law of public meetings accords with the international conventions and treaties.

However, the bylaws of the public meetings law (1/ 2000) that was published based on article 7 of the law, authorized the minister of interior to issue the regulations and bylaws to implement the law. The bylaws restrict the right to peaceful assembly in violation of the articles of the basic law and the public meetings law and consequently, violates the international conventions and treaties.

One of the major restrictions endorsed within the bylaw imposed on the right to peaceful assembly, is what is mentioned in article 3, is authorizing the police to interfere with the objective and purpose of the assembly though asking the organizers for a meeting to explain the purpose of the assembly as well as discussing the place and duration of the assembly. Additionally, the bylaws state in article 11 that the respond of the police stands as written permit given in hand to the organizers though the public meetings conditioned only submitting the notification. The law did not condition arranging the peaceful assembly by obtaining a permit. The purpose of the notification is only to organize the traffic by police and provide protection for the participants in case the organizers demanded protection. The notification has nothing to do with obtaining a permission for the assembly or not by the director of the police or the governor. The bylaws, on the other hand, imposed additional restrictions through article 9, which states: “the organizers of the assembly should respect the decree- law (3/ 1998) regarding realizing the national unity and banning incitement”.



We believe that the bylaws of the public meetings law should be either cancelled or amended to accord with the basic law and the public meetings law as well as to accord with the international conventions and treaties to which the State of Palestine acceded. The State of Palestine should respect its commitments according to the international conventions and treaties, especially regarding the right to peaceful assembly.

Chapter III: Right to Political Participation

Political participation as a tool to affect decision- making process has great importance within the democratic regimes. Political participation is the method to legalize the political regime. Likewise, political participation functions as the channel through which people can communicate with decision- makers and public figures and the governing institutions. People through the political participation can express their opinion regarding specific public issues and consequently, they can lobby decision makers to take positions regarding these issues.

Within the democratic states, people participate in elections regularly and select their representatives to in the ruling institutions where decisions are made by the majority. Palestine is a state that has a democratic regime based on elections

Even though and if the decisions regarding the public issues are taken by the representatives of the people elected directly), or taken by the public employees of the various state's institutions, yet, democracy is still in need for active citizens who participate in discussing the public issues.

Thus, right to political participation is not limited to participate in elections once each four years only, but it is related to the right of people for active civic participation to affect the public issues within the state in the period between each round of elections. In this regard, political participation means the right of people to affect the decisions of the elected government during its entire period of serving.

The Palestinian Basic Law emphasizes the right to political participation where article 26 states: "Palestinians shall have the right to participate in political life, both individually and in groups. They shall have the following rights in particular:



1. To form, establish and join political parties in accordance with the law.
2. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.
3. To vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the law.
4. To hold public office and positions, in accordance with the principle of equal opportunities.

Thus, each person has the right to express his political opinion and political affiliation without being subject to any threatening or risk. Additionally, citizens have the right to criticize (constructive criticism) of the political regime and seek reformation and change. Even if the basic law conditions practicing the right to political participation within the legal frame, yet, this does not mean to empty the right from its core. There should be no unjustified restrictions imposed on the right to political participation to violate the right to political participation and consequently violate the right to freedom of opinion

As stated in chapter I about the right to political participation mentioned in the international conventions and treaties, then each Palestinian is entitled to the right to run for elections based on the decree- law (1/ 2007) regarding the public elections and the amendments of the given decree- law. Each Palestinian is entitled to the right of forming an electoral list as well as presenting his political program to all people through the available communication tools with no violation of the right to freedom of opinion.

In accordance with the international conventions and treaties, the decree-law (5/ 2021) was issued to reinforce public freedoms. The given decree- law included article to reinforce the public freedoms all over the State of Palestine. One of the tackled freedoms in this regard is the freedom to political work where article (2) states: "Ensure banning pursuing, detention, interrogation, arresting, and all forms of outlaw procedures for any person due to freedom of opinion and political affiliation". Article 3 of the given decree- law, states to release interrogated and detainees arrested for political opinion or political affiliation or due to belonging to political fractions in Palestine. As for elections, the Decree emphasized providing free space for electoral campaigns within the classic and digital forms. Right to publishing and printing electoral materials as well as organizing electoral meetings and funding these activities according to the law, are protected through the decree- law. The decree- law emphasized providing equal spaces within the official media outlets for all the electoral



lists without discrimination. Protecting the voting centers is associated with the Palestinian police only in their formal costumes where other security bodies should not show up in the electoral stations and elections should be conducted according to the law and ensure integrity and transparency.

Elections should be declared through a presidential decree that invites for elections. The latest issued decree in this regard was on 5/1/2021 (presidential decree 3/ 2021) that invited for the PLC, presidential, and National Council Elections. Lists to run for elections were formed according to the law where these lists passed the first and second phases of legalizing the lists. However, another presidential decree was issued (22 days before the scheduled date for elections) to postpone the elections for unknown time.

Chapter IV: Right to Mental and Physical Safety:

Right to life is the supreme human rights that was on top of the list of the rights identified by both the national legislation and the international human Rights Law Instruments. As stated in chapter one of the current report, right to life was stressed in the various international conventions and treaties including the UDHR, ICCPR. In the current chapter, we will address the right to mental and physical safety according to the amended Palestinian Basic Law and the other national legal set and compare it with the international conventions and treaties.

Based on revising the Basic Law and the other national laws, there is no clear article to highlight the right to life as the case of the international conventions and treaties. Thus, there is a deficit in this regard that requires amending the laws as this is a default right for all that should be protected. Right to life should never be attacked neither by the state, nor by the individuals whether it was addressed in the national laws or not. However, including such right in the national legal set is important to identify the penalty in case it was violated in order to ensure protecting it.

Likewise, other terms like extra- judicial killing, arbitrary execution, and execution without trial that might be implemented by an official employee or someone working for the authority, were not mentioned within the Palestinian legal set. Such acts might be committed by an agent working for the government while no legal procedures are taken to account for such crimes as the international conventions and treaties require. Such acts threaten the right to life and violate other rights such as right to freedom of opinion, right to peaceful assembly, right to political participation, and right to fair trial. In such situation, person will remain silent and ignore the violations that the state might comment, to avoid being subject to revenge and arbitrary execution. Thus, the state might shift from being a democratic state, to



become oppressive dictatorship state that does not respect citizen's divine right to life. For that, the Palestinian legislator should amend the applied national legal set to accord with the international human rights conventions and treaties taking into consideration that as the State of Palestine acceded to these instruments, then they become a hard rule that should be implemented in Palestine.

The applied penal Code (16/ 1960), increased the penalty for the crime of predetermined killing and made the punishment hard in some specific circumstances. Article 326 of the law states: "Any person who willfully kills a person shall be punished by imprisonment for fifteen years with hard labor". The law increased the punishment to be life imprisonment with hard labor (article 437/ 4), which states: "with torturing the victim viciously before killing him/her". In case the killing was not predetermined, article 330 of the law states: "Whoever assaults any person by striking or injuring him/her using a tool that should not cause death or gives him/her harmful substance and does not intend to kill him/her, although the victim died as a result of such assault, the perpetrator shall be punished by imprisonment with hard labor for a period not less than five years". On a related level, article 343 states: "Whoever causes the death of a person due to negligence or lack of due care or regard for laws or regulations, he/ she shall be punished by imprisonment from six months to three years."

As for the right to mental and physical safety, the Basic Law prohibited torture and there are several articles that ban torturing others and emphasized the necessity of dignifying treatment of persons and never to degrade any person. Article 13 of the Basic Law states: "No person shall be subject to any duress or torture. Inductees and all persons deprived of their freedom shall receive proper treatment". Paragraph 2 of the same article illegalize any confession taken under torture: "All statements or confessions obtained through violation of the provisions contained in paragraph 1 of this article shall be considered null and void". Article 32 emphasized that: "Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties that have been guaranteed by law or by this Basic Law shall be considered a crime. Criminal and civil cases resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage".

The Penal Code (16/ 1960), did not include any description of the crime of torture nor is there any text to identify the elements of such crime and the punishment associated with it. However, there are some texts that criminalized



acts, which represent a crime of torture as it is a very restricted condition within the murdering crimes as stated in article 427/ 4. Additionally, the law legalized extraction of confession from someone under torture where article 208 states: "1. Whoever inflicted any form of violence and force, not allowable by law, in order to obtain a confession for committing a crime or information regarding such a crime, he/she shall be punished by imprisonment from three months to three years. 2. If the acts of violence and force resulted in a sickness or an injury, penalty shall be from six months to three years unless such acts are punishable by a harsher penalty".

The Revolutionary Penalty Code of PLO/1979, that is applicable only to militants or to crimes committed in military areas, article 208 states: "Whoever inflicts cruelty on a person that is not permitted by law, desiring to obtain confessions or information about a crime, or orders that in connection therewith, shall be punished by imprisonment for at least three months". In case the violent acts led to injury or disease, then the punishment becomes imprisonment of 6 months while in case caused death, then the punishment is imprisonment for five years with hard labor".

As indicated from the described texts above, they criminalize only one form of torture, which is the torture to extract confession but did not criminalize psychological torture or degrading cruel treatment. Thus, torture that is not committed for the sake of extracting confession, is then not criminalized according to the mentioned legal texts. Additionally, they kept the door open to practice forms of torture allowed by the law through endorsing the term "acts that the law does not allow".

Torture was tackled also in law (6/ 1996) regarding the rehabilitation and reformation centers "Prisons", where chapter ten of the law identifies the rights of prisoners. Article 37/ 2, states: "It is prohibited to torture the prisoner or apply force against him". Paragraph 3 of the same article states: "It shall be prohibited to insult an inmate or address him in a degrading manner". The law here did not address the physical torture only, but the psychological torture as well.

The Criminal Procedures Law (3/ 2001) states in article (29) that each person interrogated or arrested based on a judicial order issued from specialized authority according to the law, should be treated according to the law in a manner that protects his/ her dignity and it is prohibited to harm him/ her physically or mentally.



Nonetheless, all these laws did not give the adequate attention to the crime of torture where the associated punishment is imprisonment for a duration ranking between one week to 5 years, even if the torture caused the death of the victim. In addition to the weakness in the legal text, Palestinian Authority, since its emergence, had never trialed any person for committing a crime of torture despite the documented cases of practicing torture in the prisons and interrogation centers that were officially reported.

The first step towards combating torture in Palestine, requires the political regime to take steps forward to protect and respect the dignity of citizens. Human Rights Law should be superior and should have preference over the national legal set. Local laws should be amended to harmonize with the Convention against Torture where the Convention becomes part of the legal set applied in Palestine and consequently, it will be possible to refer to the text of the Convention in front of the various Palestinian courts and issue rulings based on that to ensure remedy and justice for the victims.

The fact that the State of Palestine acceded to the International Conventions against Torture (Convention against Torture and Other Cruel Degrading Treatment 1984, and the International Covenant on Political and Social Rights) as the two instruments that require the State of Palestine to prohibit Torture and take all needed measures to realize that, should be endorsed within the Palestinian legal set. The two instruments emphasized that prohibiting torture is a hard rule that accepts no exceptions and no acts justifies practicing torture according to article 2 of the Convention against Torture, as we described in chapter I of the report

Chapter V: Right to Litigation and Free Trial Principles:

Right to litigation is among the fundamental rights of human being where everyone is entitled to the right to refer to the judiciary system once any of his rights is attacked or violated. It is a default right that does not need to be identified in the constitutions as constitutions are always highlight human rights and individuals' freedoms. In case these rights and freedoms are violated, then individuals are entitled to the right to refer to the judiciary system to protect the rights and freedoms unless the constitution highlights the rights and freedoms for the sake of decoration only. As long as no measures are taken to protect rights and freedoms, then their presence in the constitutions is nonsense. The right to litigation is one of the major principles that were adopted to ensure protecting the human rights and freedoms, which will lead to embody the principle of rule of law.



On a related level, the normal legislator cannot deny people's right to litigation or restrict such right through issuing some legislation to deal with some issues away from the control of the judicial authority. In case such legislation is there, then they are unconstitutional as they represent violation of the principle of separating authorities and the right to equality in front of the judicial authority. Additionally, the principle of right to litigation requires enabling all to access litigation resources where no obstacles or restrictions should be imposed on such right. The Palestinian legislator emphasized the right to litigation within the Palestinian Amended Basic Law- 2003. Article 9 of the Basic Law states: "Palestinians shall be equal before the law and the Judiciary, without distinction based upon race, sex, color, religion, political views or disability". Article 30 emphasized the right to litigation as a right for all and emphasized that no decision is not subject to the monitoring of the judicial authority: "1. Filing an action before a court shall be a protected and guaranteed right for all persons. Every Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be regulated by the law to guarantee the prompt resolution of cases .2. Laws may not contain provisions that provide immunity to any administrative decision or action or that bars judicial review. 3. Judicial error shall result in a remedy by the National Authority. Conditions and methods of such remedy shall be regulated by the law"

According to the previous two quoted texts, the Palestinian legislator emphasized the right of all to refer to the courts to protect their rights as a constitutional right that the judicial authority should embody. Additionally, such right, accords with the international human rights law instruments.

As for the principles of fair trial, the Basic Law highlighted the right of all for these principles. The Basic Law identified the principles of fair trial in a manner that protects human dignity and protects personal freedom. Article 11/ 1 states, in regard of the personal freedom and ensure protecting such right: "Personal freedom is a natural right that shall be guaranteed and may not be violated". To ensure that no one is arbitrary detained, article 11/ 2 states: "It shall be prohibited to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order pursuant to the provisions of the law. The law shall determine the period of provisional detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organization of prisons". Any interrogated person is entitled to the right to be informed about the reasons of his/ her interrogation and be introduced to his rights as interrogated person before any procedures are taken against him. In



this regard, article 12 of the Basic Law states: “Every arrested or detained person shall be promptly informed of the reason for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried before a court without delay”.

As for the cases arrested during imposing the state of emergency, they were highlighted in article 12 of the Basic Law: “1. Any interrogation decision made based on a decree to declare the state of emergency, should be revised by the public prosecutor or specialized court within 15 days duration. 2. The interrogated person is entitled to authorize a lawyer to represent him”. The Basic Law also applied the principle of being not guilty as article 14 states: “An accused person is considered innocent until proven guilty in a court of law that guarantees the accused the right to a defense. Any person accused in a criminal case shall be represented by a lawyer”.

The Basic Law emphasized the independence of the Judicial Authority where article 97 states: “The judicial authority shall be independent and shall be exercised by the courts at different types and levels. The law shall determine the way they are constituted and their jurisdiction. They shall issue their rulings in accordance with the law. Judicial rulings shall be announced and executed in the name of the Palestinian Arab people”. Likewise, the independence of judges was emphasized as article 98 states: “Judges shall be independent and shall not be subject to any authority other than the authority of the law while exercising their duties. No other authority may interfere in the judiciary or in judicial affairs”. The Basic Law emphasized the necessity to implement the judicial rulings where abstaining from implementing the courts’ rulings, is violation of the constitution that requires punishment. Article 106 of the Basic Law states: “Judicial rulings shall be implemented. Refraining from or obstructing the implementation of a judicial ruling in any manner whatsoever shall be considered a crime carrying a penalty of imprisonment or dismissal from position if the accused individual is a public official or assigned to public service. The aggrieved party may file a case directly to the competent court and the National Authority shall guarantee a fair remedy for him”.



The Penal Code 16/ 1960 highlighted the issue of abstaining from implementing the judicial rulings to be a crime that requires punishment whether against a person of a public employee in case obstructs implementing the judicial rulings. Article 182 of the Penal Code states in this regard: “Any public official who uses his/her office powers directly or indirectly in order to obstruct or delay the implementation of the law provisions or the applicable regulations or the collection of fees and taxes provided for in the law or the execution of judicial decisions or any order issued by a competent authority, shall be punished by imprisonment from one month to two years. 2. If the person who used his/her power and authority is not a public official, he / she shall be punished by imprisonment from one week to one year”. However, the punishment in this is not deterrent and should be increased.

Despite the clear emphasis of the independence of the judiciary authority and judges within the Basic Law, the Law by Decree (1/ 2020) issued on 30/12/2020, regarding amending the law of the judicial authority, affected the independence of the given authority. The given decree- law put the judicial authority under the mandate of the executive authority in violation of the Basic Law and the International Human Rights Law Instruments that stressed the principle of separating the authorities and respect the independence of the judicial authority. Denying the principle of the independence of the judicial authority stands as clear risk on the rule of law and equality before the law. Thus, there is a wide space opened for violating human rights as there is no real protection that should be provided through the independence of the judiciary authority in case persons refer to the courts to claim for their rights and appeal against violating these rights. Article 5 of the given decree- law (paragraph 1/ H) represents clear violation of the principle of independence of the judiciary authority as it states: “Should have good reputation and enjoys the health conditions to be appointed”. Paragraph 2 of the same article states: “It is not allowed to appoint a person as a judge unless it is sure that he is qualified with good ethics and appropriate for the post”. As there is no clear mechanism to apply such text and identify the criteria to measure the good reputation and associated the decision in this regard with the judicial authority and the judicial Council only. Thus, the executive authority will have the space to interfere in identifying the criteria for appointing judges under the term of “Security Check” as a condition to appoint anyone in a public post and so, it will be applicable to the judges as well.



The Criminal Procedures law (3/ 2001) and the amendments endorsed with it, was released to ensure that the Palestinian justice system respects the principles of fair trial that were highlighted in the Basic Law. These principles should be protected through over the litigation process starting by collecting evidences till the court session and associated lodging a criminal case with the public prosecution only. In the articles 19- 25, identified the role of the public prosecution and its authority in the litigation process. The public prosecution according to the law is the responsible authority to follow up the work of the judiciary police as well as being authorized to order arrest or investigation or extending the interrogation period. Additionally, the law identified the public employees associated with implementing the judicial rulings.

Additionally, the public prosecution is associated to investigate in the crimes and take appropriate decisions in this regard. Article 55 The Public Prosecution is exclusively competent to investigate crimes and to take action in respect thereof. 2. The Attorney General or the competent deputy prosecutor may mandate one of the competent members of the judicial officer corps to perform any of the acts of investigation in a specific case, except for the interrogation of the accused in a felony. 3. The mandate must not be general. 4. Within the scope of his mandate, the mandatory exercises all the powers conferred on the deputy prosecutor”.

Article 29 states that it is prohibited to interrogate any person but based on an order from the authorized legal body and ensured that the interrogated person should not be subject to physical or mental harm. Article 30 of the given law identified the cases when it is possible to arrest a person without arrest order as such practices violate the personal freedom of the persons. Any violation of the interrogation and detention procedures identified through the law, are considered arbitrary detention and illegal deprive of liberty.

Regarding the decree- law 7/ 2022, regarding amending the criminal procedures law (3/ 2001) and the amendments of it that was published in the Official Gazette on 6/3/2022, it violates several legal principles and human rights and the fundamental rights that were protected by the national and international legal sets. The State of Palestine, being part of the international conventions and treaties, should abide to all the international human rights law instruments. However, among the major violations included in the given decree- law, are the following:



1. The Principle of Equality before the judiciary:

The decree- law violates the principle of rule of law and violates the principle of equality before the law that was highlighted in article 9 of the Basic Law. Article 3 of the given decree- law states: "No public employee or a member of the Judiciary Police should be trialed for a felony occurred during his serving but based on a written approval from the public prosecutor or one of his assistants". The original law does not restrict judging the public employees or the members of the security bodies with permission from the public prosecutor or any of his assistants. The only condition in the original law is to lodge the case by the public prosecutor or one of his assistants but the amendments require permission to lodge the case".

2. The principle of origin in man is innocence:

This principle is one of the major elements of the fair trial principle, which assumes that the accused is not guilty where it is required to deal with the person based on that through the various phases of interrogation and litigation. Likewise, this principle protects the accused against any arbitrary procedures or violation of his/ her personal freedom. However, the given decree- law violates this principle through article 6, which allows keeping the accused as preventive interrogation and should not be released during the litigation process. The interrogation period should not exceed the duration allowed as punishment for crimes such as murdering, rape, harming the honor, drugs dealing, and the collaboration with hostile party or smuggling/stealth parts of the land to foreign countries. In this regard, the decree- law violates article 14 of the Basic Law and article 11 of the UDHR and article 11/2 of the ICCPR. Additionally, it violates article 9 of the Basic Law, which states: "Interrogating the persons waiting for trial, should not be the public base"

3. The Principle of Judicial Monitoring:

The decree-law violates the principle of judicial monitoring of the right to physical safety and protects individuals against torture and cruel treatment that were identified through both the UDHR and ICCPR as well as the Convention against Torture and many other instruments. Right to physical safety was affirmed in article 13 of the Basic Law. However, article 7 of the decree- law violates this right as it states: " that was violated through the decree-law where article 13 of the Basic Law states: "It is not allowed to issue an order to interrogate a person in case he is not presence unless there are circumstances that prevent his presence due to external conditions or because of a sickness approved through



a medical report issued by an official medical committee". It means that the court can issue an order to interrogate or detain a person for prevention or even extend his interrogation without taking into consideration his physical or mental conditions. It is not possible within such situation to figure out if the interrogated person was subject to torture or not where being tortured might be the reason why he was not able to show up in front of the court.

4. Right to Litigation:

The decree- law violates the right to litigation where the accused is denied the right to revise the decision of interrogating him once he is released or released under warrant. Article 10 of the decree-law made the decision of the court to re-interrogate a person or issue a notification of summon for him, to be final and inapplicable for appeal. Additionally, it restricts the right of the accused to appeal against the ruling in front of court of cassation. Article 39 states: "Appeal through the court of cassation is accepted for: "1. All the criminal rulings issued by the court of appeal. 2. The rulings of all the courts that are applicable to be discussed by the court of cassation". The origin law included the right of the accused to appeal against the rulings of the court of reconciliation as a court of appeal and a court reconciliation.

5. Right to be advocated:

The decree- law violates the right of the accused to be advocated in front of the court that was endorsed in article 14 of the Basic Law. The decree- law complicated the process of enabling the accused to advocate himself in front of the court and push him to lose the opportunity to defend the accusation of the public prosecution. Article 20 of the decree- law states: "In case the court finds that the defense witness is unknown or cannot show up in front of the court, or it was not possible to bring him, then the accused should bring the defense witness and if not, then the accused is considered that he gives up is right to invite defense witnesses". This article violates the principles of fair trial as the accused has not the power that the court has, to obligate witnesses to show up in front of the court.

6. The Principle of Proportionality between Liabilities:

Liabilities between proportionality is among the major principles of fair trial. However, the decree- law restricts such principle as article 19 states: "1. Exclude the accused who did not hand up himself or was not interrogated at the beginning in case he did not show up at the court at the determined time where



the court is authorized to judge him despite his absence and the case will be discussed immediately at the scheduled time. 2. In case the accused attending the court session and then left for any reason or did not attend the following sessions, then the court is authorized to judge him as presence and start the procedures. 3. In case the accused attended after that, then he is enrolled in the ongoing trial process and the court continues discussing the case from the point it reached. This text violates the accused right to be introduced to all the legal procedures applied against him. Additionally, it violates the accused right to advocate himself, especially within the major criminal issues that require high penalty.

7. The Principle of Oral Pleading:

The decree- law restricts the principle of oral pleading as it states in articles 32 and 33 that the appealing trials are written with the exception of sentence to death or life imprisonment sentences that are discussed through pleading. Originally, all the trials should be through oral pleading in front of the court of appeal. Additionally, there should be respect of the principle of oral pleading, Proportionality between Liabilities and the right to two- level litigation as evidences are presented in front of these courts. For that, the previous detailed principles should be respected in front of the courts as they enable the accused or his lawyer to discuss and argue against the witnesses directly in order to advocate himself.

Lawyers for Justice Group believes that the ongoing policy of oppressing freedoms and rights, due to the amendments of the applied laws and ignoring the authorities and roles associated with the legislative authority, under the justification of the existing case of emergency, will lead to violate the principle of separating authorities. Additionally, it damages the principle that the nation is the resource of authorities and lead to more restrictions on rights and public freedoms. Additionally, the monitoring process of the executive authority is not in place anymore and so, the executive authority is behaving with no control. For that, all the amendments that affect human rights should be canceled as well as canceling the amendments that affect the independence of the judicial authority. The Basic Law that is superior compared to the various laws affirms human rights and the independence of the judiciary authority. Additionally, the international human rights law instruments that are superior compared to the national legal set protect these issues. The State of Palestine should abide by the International Human Rights Law instruments as it acceded to these instruments voluntarily.





Part III

Civil and Political Rights in the West Bank

**(during the second year since the
Declaration of the State of Emergency)**



Chapter I: Civic and Political Rights in the West Bank:

During the second year of declaring the state of emergency in the West Bank witnessed a wide deterioration of human rights where all the human rights defenders were able to figure out the increasing violations of human rights including violating citizens' civil and political rights. Violations were not limited to political arrest and detention due to political affiliation only. Detention on the background of practicing the right to free opinion increased rapidly including interrogating journalists and human rights defenders. Additionally, torture and oppressing public freedoms were among the documented violations in addition to applying force in dispersing the peaceful assemblies. The violations escalated to reach the worst form, which is violating the right to life or as described in the international law: Arbitrary Execution or extra-judicial killing.

During the previous year, the Palestinian Authority applied systematic practices to oppress the peaceful assemblies and violate the right to freedom of opinion. The oppressive acts escalated following assassinating the political activist, Nizar Banat to ban people from expressing their opinion. Additionally, the security bodies pursued and tried to ban any act that expressed rejection of the horrible crime of murdering the activist Nizar Banat. Murdering Banat, as it will be described later on, represented a horrible shock for all people and pushed them to rush to the streets to express their anger and rejection of the crime that was committed by the Palestinian security bodies. As for the applied methods of oppression of the participants in the protesting demonstrations against the assassination act, included spraying protestors with pepper spray, teargas, and intensive use of sound bombs directly against demonstrators to disperse peaceful gatherings. Additionally, other methods were applied to attack protestors mentally such as contempt and blackmail through confiscating the cell phones of protestors and access the contents of these cell phones in violations of the protestors' privacy. Additionally, there was incitement practiced by the governmental bodies following the assassination process where several official statements were documented that threatened the civic peace. These statements were given by officials of the Palestinian Authority and contributed in spreading terror among people.

Despite the profound violations, there are still tens of violations that the victims refused to report about or submit a complaint to the official parties being afraid of pursuing, harassment, and revenge acts in the future. Another reason is related to the fact that there is no confidence within the security bodies and justice system in Palestine.



It is worth mentioning here that the systematic oppression practices, targeted also the human right defenders. Human rights defenders were subject to a variety of violations and pressure in order to press on them and block their role in advocating human rights. The security bodies applied new procedures against human rights defenders to block their work and deform their reputation. Among these practices was using the social media websites (Facebook and Whats App) to publish false news about the human rights defenders that affect their reputation negatively.

Lawyers for Justice Group, is subject to permanent incitement since it started its work in advocating human rights. The level of incitement varied from a time to another where several acts of incitement against the Group were documented during the previous years. The level of incitement shakes depending on the overall situation of human rights in the West Bank. The year 2021- 2022 witnessed a noticeable increase in the level of incitement comparing to the previous years. The incitement against the Group took the following forms:

1. Continue the incitement against the Group in the Interrogation Centers where tens of cases were documented that the interrogators incited the interrogated to cancel the authorization of the lawyer from the Group to follow up their case and represent them in front of the Public Prosecution and the Courts. The issue reached the level of bargaining the interrogated to be released in case he cancels the authorization of the lawyer from the group. In many cases, there was conspiracy with the judge through accepting the release demand submitted by the family and reject the demand submitted by a lawyer from the Group.
2. The Group documented that some interrogated persons were investigated by the security investigators about the reason why they authorized lawyers from the Group to represent them. In some cases, the investigators cursed the lawyer and described him with impolite terms
3. The Group documented tens of incitement posts through the social media websites including contempt, threatening, and describe the Group members as betrayers
4. The Group documented several attempts of cyber penetration and the attempt to hacking the website and social media pages of the Group. The Group affirms here that it is subject to being followed up on the internet by the security bodies and other civil users that are part of the security bodies. In this regard, the Group documented being under observation by the representatives of the security bodies in a variety of occasions.



5. Some members of the Group were arrested while performing their duties as human rights defenders. In this regard, Lawyer Mr. Mohannad Karajah was arrested by the General Investigation Body while he was entering the Court in Ramallah on 4/7/2021. Lawyer Karajah was doing his duty to advocate the interrogated protestors who were arrested during the demonstrations against assassinating activist Nizar Banat. Additionally, another member of the Group (Lawyer Ms. Diala Ayesh) was arrested while she was in the field documenting the violations of human rights during the protesting of the families of the political detainees against arresting their sons. Arresting Lawyer Ayesh was from the street close to al- Biereh- el- Balou' Interrogation Center, on 5/5/2021

In the light of the above, Lawyers for Justice Group would like to emphasize the following message:

"Lawyers for Justice Group has been working since years to advocate the rights of the political prisoners and the persons arrested on the background of practicing their right to freedom of opinion and expression. The Group depends on the official documented information in its work to report about the violations that take place in the streets, inside the interrogation centers, and the investigation process inside the public prosecution offices. Documentation is based on subjective methodology and the Group maintains its independence and ensures that it will not be bias to any party

As Group, we believe that the legal and rights work is based on fixed principles that do not accord with the efforts of each party to pull the Group to be to its side. Hence, we declare that our legal intervention starts from the moment we find a violation of the human rights that were affirmed by the Palestinian legal set, including first of all the Basic Law, and the international human rights law instruments. Our work starts as we believe that the security bodies do not respect the rights mentioned within the previous legal set (national laws and International Human Rights Law Instruments) and we work to ensure respecting the principles of fair trial for all as these principles are the grantee to ensure that no arbitrary arrest cases will take place. Likewise, fair trial principles ensure that no one would be subject to torture or cruel treatment regardless of his/ her accusation."

Chapter II: The Cases Followed up by the Group during the Second Year of Imposing the State of Emergency:

The Group followed up 179 arbitrary arrest cases and oppressing of people's



rights during the second year of the state of emergency imposed. The reasons behind the arbitrary arrest of the cases followed by the Group varied and included arrest on the background of practicing right to freedom of opinion and expression. There were journalists and activists as well as students arrested arbitrary due to practicing their right to freedom of opinion and expression. Other cases were arrested for participating in peaceful assemblies while some protestors were tortured and subject to firing. Additionally, the Group followed up the events that took place in the Palestinian Streets following declaring the date for legislative and presidential elections as well as the events that accompanied declaring the local authorities elections, where candidates of the elections were arrested.

Additionally, the Group follows up the attacks that the interrogated were subject to (physical and mental and cruel treatment) inside the interrogation centers. Additionally, the Group follows up the violation of right to life, mainly the execution of activist Nizar Banat. Additionally, the Group followed up the case of activist Ameer Khalil el- Lidawi who was pursued by the security bodies and was subject to medical negligence that caused his death. Additionally, the Group follows up violating the right to fair trial and violating the right to litigation.

In the current chapter of the report, the major documented violations will be detailed:

First: Violating Right to Life:

The security bodies exceeded all the limitations in violating human rights as indicated from the case of the activist and the candidate for PLC elections, late (Nizar Banat) and the case of the youth activist (Ameer Khalil el- Lidawi) who participated in a reception for a released prisoner from the Israeli jails. Following are the details of those two violations:

- Nizar Banat- From Bars to Levers

Nizar Khalil Muhammad Banat (Abu Kifah) was born in Hebron in the year 1978. Nizar is married and has five kids where the youngest is a new born girl whom he could not take care of due to being pursued by the security bodies. Nizar is one of the most brilliant activists and critics of the Palestinian Authority. He was in the second position of the List Freedom and Dignity (el- Hurriya wal Karama- list number 30) that was supposed to run for the PLC elections before they were cancelled by a presidential decree. Banat was a precedent political detainee by



the Palestinian security bodies during the year 2020 and he was arrested more than once. The accusation was always criticizing the Palestinian Authority or as described in the Electronic Crime Law "Slander the Palestinian Authority".

On 2/5/2022, Nizar's house was subjected to shooting but he was outside while his wife and children were inside and they faced a horrible case of terror. Targeting the house was in a duration of few hours following publishing the electoral List (Freedom and Dignity) in which Nizar is in the second position, a statement in which declared the willingness to address the European Courts to issue a ruling to stop the financial aids of the Palestinian Authority following issuing the presidential decree to cancel the public elections. Banat was subject to deformation campaign aimed at killing him spiritually where rumors to harm his reputation and honor were spread and was accused for collaboration with hostile and foreign parties and adopting "agenda" against the national struggle. The rumors and deformation of Nizar were designed to pave the road in the face of outlaw execution.

According to the joint investigative report published by al- Haq and the Independent Commission of Citizens Rights, following the assassination of Nizar, a patrol of Protective Security Body from Hebron, consists of 14 members, left on 24/6/2022 at 3:00 am, on a mission to arrest Nizar Banat. At the moment they reached the house, some of them broke the window using a lever and rushed inside the house where Nizar was sleeping and they opened the door for the rest to enter. Two members of the security power approached the witnesses who were sleeping beside Nizar and sprayed them with pepper spray and put the guns on their heads ordering them not to move or get up from the bed. At the same time, a member of the power approached Nizar in his bed and beaten him on head with a lever more than once and then beaten him all over his body. After that, the rest of the power members approached Nizar and started attacking him with the backs of the guns, sticks, hands, legs and levers and then pulled him out of bed and threw him on the floor. He was beaten while laying on back on the floor and then pushed him to lay on his stomach where iron chains were put in his hands. They continued beaten and sprayed with pepper him while his hands were in the chains. After that, they pulled him up and hit his head with building pole inside the house. After that, they took him outside the house where he fell down on the door, but they pulled him from his leg towards the vehicle in which he was put though losing consciousness. They kept attacking him till that moment. Following taking Nizar outside the house, approximately five members of the power rushed back inside and started investigating and confiscating the contents of the apartment of Nizar. After that, they left the



place heading towards the headquarter of the Protective Security in Hebron where later on, it was declared that Nizar passed died on that day.

The death of Nizar caused shock and anger through over the Palestinian streets and stimulated the public opinion against the Palestinian Authority and demanded accounting the criminals and the persons responsible for killing Nizar. A Governmental Investigative Committee was formed headed by the minister of Justice. However, the Investigative Committee did not publish any results on public and referred the file to the judiciary authority to initiate in a criminal investigation in the issue. The only published information from the committee was that the death of Nizar was not in normal circumstances.

The Group followed up the trial of those accused for participating for murdering Nizar where the first court session took place on 14/9/2021 at the military court in Ramallah.

The Military Prosecution in Ramallah issued a bill on 5/9/2021 against 14 members of the Protective Security Body accused for killing activist Nizar Banat. The accused were associated with the accusation of “beating that leads to death” in restricted circumstances for the sake of predetermined killing and torturing. The military prosecution built its bill of charge on article 377/ z, and article 82/ b of the Revolutionary Penalty Code of PLO- 1979. Additionally, the bill of charge included illegal confiscation and disobeying orders in restricted circumstances, based on article 348/ b and article 377/ z and article 82/ a of the of the same law.

The Group is following up the Court’s session where the military Prosecutions submitted all the evident that are based on the main witnesses of the crime who were in the place on 24/6/2021 when the crime took place. Additionally, the military prosecution submitted to the court the report of the Forensic Medicine that affirmed the fact that the causes of Nizar Death are the mentioned reasons above.

The Group is following up the trial process that is still going on till the moment of preparing the current report. Through over the duration of the trial, the group documented the details of the sessions and documented also the procedures that take place, in parallel, outside the court where such procedures might affect the process and may be the decisions, of the trial. The Group documented the following in this regard:

- Ongoing attempt to affect the military witnesses that the military prosecution presented and those are the main military witnesses who were in the place at the moment when late Nizar Banat was attacked. All the witnesses, following presenting their witness to the court, were



- arrested by the security bodies in recognition of shooting towards the house of one member of the security patrol accused for murdering Nizar.
- Pursue and raids and arrest against members of Banat family in Hebron including arresting the witness Hussein Banat who is the main witness of the assassination of Nizar.

Based on that, Lawyers for Justice Group, based on following up the trial procedures, emphasizes that the trial is not taking place free on the direct and indirect intervention of the security bodies. The intervention of the security bodies started even before the trial starts when the main witness (Hussein Banat) was arrested and then other members of the family were pursued and arrested. Additionally, the houses of the family members are subject to ongoing night raids, which will lead to disturb the justice procedures.

The Group emphasizes that the investigation of killing Nizar Banat, excluded the heads of the security bodies who ordered to arrest him. The investigation did not include those who authorized the patrol to arrest Nizar and those who changed the direction of the arrest memo that was issued by Doura Prosecution, to the protective security body instead of its normal direction that should be to the police where the memo was issued on 4/5/2021. The crime took place few hours after a security meeting that took place on the level of Hebron Governorate on 23/6/2021. The main purpose of that meeting was to discuss arresting 15 activists endorsed in a list of “wanted persons” where Nizar Banat was on the top of that list

Likewise, the Group emphasizes that shooting towards the house of Nizar Banat (45 days before killing him) and the other spiritual assassination attempts, were all an introduction to execute him as no investigation about these acts was done and none was judged for that. Leaving the issue without investigation or follow up indicates that the ongoing trial will not achieve justice of reveal the truth.

- Ameer Khalil el- Lidawi: Pursuing and Predetermined Negligence:

The Group followed up the case of late (Ameer Issa Muhammad Abu Khalid) known as (Ameer Khalil el- Lidawi) with his family. Despite that there were no steps made by the official specialized bodies to investigate the case and refer the responsible persons to the trial, yet, the father of the victim submitted a complaint to the military prosecution towards the beginning of June. The military prosecution listened to the statement of the father who demanded, “Pursue and trial those who caused the traffic accident that caused the death of his son”. Additionally, the military prosecution listened, on 6/6/2022, to the statements of three persons who were with Ameer when the accident took place.



According to the complaint: " On 13/12/2021, Ameer and his friends participated in the cue to receive the released prisoner from the Israeli jails, (Shaker Amara) in Jericho where a security power blocked the road using their vehicles and pursued the cars that were participating in the cue. One of these cars was for Ameer and his friends who were raising the Palestinian flag on their car. The car is Mazda with yellow plate and it is a licensed car. The military cars continued pursuing the car and hitting it from the back as well as narrowing the road for it, till they were forced to enter a damaged street that is no appropriate for the cars due to being under maintenance. Before Ameer reached a high drainage hole, one of the security vehicles hit the car from the back strongly causing the car to turn upside down. The result was injuring Ameer and those who were with him in the car but his injury was described to be very dangerous. The security vehicles that were pursuing the car prevented anyone from coming close to the car or provide aid for the injured. A bother of one of the persons who were in the car, named (Saddam Oweidat) reached the place and found that Ameer was in a very dangerous situation without any attempt to rescue him. Saddam asked to allow him to rescue Ameer and carry him to the ambulance that reached the place but the staff of the ambulance, based on the orders of the protective security members, threw Ameer on the ground and left him with not help though he was still alive. Such behavior of the security bodies represent predetermined negligence that caused more deterioration within his injury. After a long duration and within the determination of the citizens who in the place, Ameer was pushed once again inside the ambulance but the security bodies pushed him outside the ambulance once again without providing him with any aid though his injury was critical. Despite all that, Ameer was still alive and then he was transferred to Jericho Governmental Hospital where he spent 8 days in the Intensive Care Unit. Due to being injured in the accidents and due to the negligence and banning, the ambulance from rescuing him, his case deteriorated and his death was declared on 21/12/2021.

3. Right to Freedom of Opinion:

The Group followed up 75 cases arrested on the background of practicing the right to freedom of opinion and expression. These cases included arresting journalists, activists, and university students where those were arrested due to their syndicalism work and student activism. In the following section, some of these cases will be detailed:

- Arresting Journalists:



1. Journalist A.Z

Journalist and director (A. Z) was interrogated on August 2020 for 35 days by the Protective Security Body but without interrogation warrant. During the interrogation period, he suffered very difficult circumstances and he was referred to the public prosecution that accused him for three accusations that affect the core of his work as journalist and violate the right to freedom of opinion. The accusations include: Publishing information through internet that stir up sectarian and racist strife, report news from different news resources to create terror, and slandering the Palestinian Authority". During June 2022 and flowing more than ten courts' sessions, there was a session to publish the ruling.

At the time the Group managed to obtain a decision ruling that the accused is not guilty regarding spreading information through the internet that cause sectarian and racist strife, and the accusation of transferring different news from different news agencies for the sake of spreading terror in the street, yet, the court found him guilty regarding slandering the Palestinian Authority and so sentenced for 3 months imprisonment and a financial fine.

Lawyers for Justice Group stresses here that the ruling of the court contributes in shrinking the space available for public freedoms and restriction on the work of the accused journalist. Few days after (A. Z.) was released from the Palestinian Authority Prisons, the Israeli occupation forces arrested him within the war against the free Palestinian media work. He was investigated by the Israelis for the same accusations that he faced in the Palestinian Protective Security interrogation center.

2. Journalist (A. R)

On 3/7/2021, journalist (A. R) was pursued and threatened for his critique of murdering the late activist Nizar Banat. He was arrested following delivering an oratory in a mosque in Hebron before burying the body of Nizar Banat on 25/6/2021.

On 4/7/2021, the public prosecution summoned (A. Z) in recognition of the oratory he delivered based on a complaint submitted by the ministry of Waqf and Religious Affairs. The prosecution of Ramallah referred him on the same day as interrogated to Hebron Prosecution where the latest decided to extend the interrogation for 48 hours. (A. R) declared that he will go into an open-ended hunger strike (according to what he reported to the Group) in case he was interrogated. Later on, on 6/7/2021, he was released.

On 27/7/2021, the security bodies in Ramallah closed the office of G- Media



Agency and summoned its director, journalist A. R to show up for investigation the next day and he was informed about the decision to close the office and was asked to refer to the ministry of information to discuss the status of the company that runs the office.

3. Journalist (N. M)

On 3/11/2021, a patrol of the Protective Security arrested journalist (N. M) from his house in Beita Village- Nablus. He was arrested without any interrogation or investigation warrantee. The next day, he was presented to the public prosecution that investigated him for owning a weapon without license. The judge in Nablus Reconciliation Court, decided to release him under financial warrantee of 5 thousand JD based on a request submitted by Lawyers for Justice Group.

On the same day and after implementing the release decision, a patrol from the General Intelligence Body, arrested him without interrogation warrantee. He was transferred to the joint security committee in Jericho and then was referred to Jericho Prosecution that investigated him for collecting fund.

(N.M) was denied the right to contact his family and the lawyer was denied visiting him. He was illegally subject to daily investigation while he was interrogated in narrow dirty cell that lacks the minimum requirements of human rights. He was subject to cruel degrading treatment as well as verbal cursing. Moreover, he was fastened for long hours and deprived of sleep and the investigators tried to press on him through using terms such as that he would never be released and nobody knows anything about him. On 25/11/2021, the Reconciliation Court ruled to release him without conditions.

* Arresting Opinion Activists

4. 1. Activist (GH. S)

On 4/7/2021, following a peaceful demonstration that demanded accounting the responsible persons of killing Nizar Banat in which activist (GH. S) participated, he was subject to brutal beaten by a security power and then arrested and transferred to the Public Investigation Body interrogation Center in al- Biereh City. The next day, he was presented to the public prosecution that accused him for using the internet (referring to a post on his Facebook page) in which he criticized the minister of Social Affairs, Ahmed Majdalani. The reconciliation court in Ramallah ruled to extend his interrogation for a week.



On 6/7/2021, during the first session of the trial of the mentioned activist, the representative of defense (a lawyer from the Group) demanded ending litigating the activist as there is a gap in one of the major conditions to accept such case by the court, but the court rejected the objection of the lawyer.

Within the pleading of the defense lawyer, J E said: “Based on the court’s decision and as it is seen that the accusation of the interrogated (in case was true) is critique against a public and political figure in an official position. The international human rights Law instruments to which the State of Palestine acceded, affirm the right to free opinion. The accusation that the interrogated is litigated for are within the frame of freedom to opinion that is affirmed by the Palestinian Basic Law. The criticism due is not personal, but related to the overall situation resulting from the role in public post. The law affirms criticism of the role in the public post as long as it has nothing to do with attacking the personality of the public employee and as long as it is limited to criticize the performance. There is no legal text upon which the court can base any ruling, as the law did not criminalize such acts. As long as the origin of things is allowing acts and as long as the Basic Law protects the public freedoms. The Basic Law protects the freedoms as long as they do not lead to spread hate speech. There is no evidence within the case that the accused promoted hate speech, then, I demand the immediate release of my client and reject all the accusations, as there is no legal base for the accusation at all”.

However, on 19/12/2021, the reconciliation court decided to stop litigating the accused for the bill of charge. The court’s decision states: “Based on revising the accusation of the interrogated, the court decides that the complainer submitted his complaint on personal background but not on the background of his duty. The accusation of slandering through the internet and other communication tools in violation of articles 188, 189, and 358 of the Penalty Code 16/ 1960, do not exist. Additionally, based on article 45 of the decree- law 10/ 2018, regarding electronic crimes the accused is not found guilty. According to article 364 of the penalty code, the crime of slandering is related to personal attack. Based on revising the detailed of the complaint, the court decides that the complainer submitted his complaint personally but not being a public employee. As he did not demand in his complaint remedy from the accused for the physical or spiritual damage. The esteemed Palestinian Cassation Court decided in the criminal ruling 120/ 2009 that the complainer is not considered to be complaining personally unless he submits personal complaint and paid the fees of the complaints. As long as the complainer did not demand financial remedy for the damage he faced and did not pay the fees of such complaint; then the court decides to reject the case and rules to stop litigating the accused. The ruling was issued on 19/12/2021 and became effective since then.



5. Activist M.K

On 22/6/2021, a group of the protective security body arrested the activist M. K from Nablus City without presenting an interrogation warrantee and he was accused for collecting and receiving fund.

The next day, he was presented to the public prosecution in Nablus that investigated him for Stir Sectarian Strife and extended his interrogation for 24 hours. At that moment, the interrogated declared hunger strike though he was sick at the moment he was arrested and was in need for immediate surgery. He suffered critical ophthalmic problems and despite his health condition, the reconciliation court of Nablus extended his interrogation for four days to continue the investigation (the ruling was issued on 24/6/2021).

On 15/8/2021, the Lawyers for Justice Group obtained a decision from the reconciliation court- Nablus headed by judge Fares Mustafa, that M.K is not guilt regarding the accusation.

6. Activist M. H

On 23/12/2021, the General Intelligence Services Body, arrested the activist M. H accusing him for slandering the Palestinian Authority through a post on his personal page on social media where he criticized the behavior of the PA. he was arbitrary arrested without interrogation warrantee and on 4/1/2022, the reconciliation court in Nablus, ruled to release him under two thousand JD financial warrantee.

On 4/1/2022, the General Intelligence Body rearrested him after he was released and was accused for affiliating the military armed powers and militias. On 23/1, the court of reconciliation in Nablus ruled to release him under two warrantees (one financial for 2000 JD and the other personal for 3000 JD)

7. Activist S. A. R

An activist and human rights defender and political criticizer. He was a friend of activist Nizar Banat and was arrested before on the background of practicing right to freedom and participated in several demonstrations that protested against murdering Nizar Banat during June 2021. He is still being trialed in the reconciliation court of Ramallah for the accusation of slandering the Palestinian Authority, participating in illegal assembly, stir strife, and creating sectarian strife.



On 2/3/2022, the General Intelligence Services Body summoned him over phone, but he refused to show up unless he is written summon. He received written summon that evening to show up in the headquarter of the General Intelligence Body in Ramallah.

He was interrogated for 24 hours before being presented to the public prosecution that extended his interrogation for 5 days where the ruling of extending the interrogation was issued by the court of reconciliation- Ramallah. He was investigated for receiving fund from an illegal association.

On the fifth day of his interrogation, he was released after paying a financial warrantee of \$ 750 by his family and to pay another \$450 later on as part of the warrantee.

Lawyers for Justice Group managed to document the days of interrogation of the given activist and speak to him about the circumstances of interrogation. He reported that during the first three days, he was arrested in a cell (closet) 1 by 1.5 meters with his hands cuffed. After that, he was transferred to a wider room in which he could sleep and in the fourth day, he was transferred to another room where he stayed with another four political prisoners.

S. A. R reported to the Group that he was threatened that he would remain in detention in case he does not pay the amount of \$ 1200. An officer of the Intelligence body said to him, according to his statement: "You have to select between the accusation of collecting fund, prostitution, affiliation to Hamas, or collaboration with the occupation. In this case, you will return back to your family feeling shame and we can put any accusation we like against you in the court".

S/ A. R added in his statement: "they tried to ask me about women working in prostitution, as they claimed, and tried to connect me with those women. Additionally, they cursed the women and girls who participated in the demonstrations that protested against killing Nizar Banat and they associated those women/ girls with impolite terms".

According to the same person, the director of the General Intelligence Services Body, tried to contempt the director of the Lawyers for Justice Group (Lawyer Mohannad Karajah) and he was asked about his relation with the director and the reasons why he authorized the Group to represent him. They tried to threaten him that he would never be released in Case the Group continued following up his case".



8. Activist M. B.

The Group documented the violations that prisoner M. B was subject to during arresting him by the Protective Security Body in Qalqilia between 2- 9/11/2021. He was arrested for posting on social media expressing his opinion and advocating workers' rights.

According to him, M. B members of the protective security body arrested him while they were in civil costume where they did not introduce themselves, nor did they present any interrogation warrantee from any official body. During the period of detention he was subject to verbal attacks and cruel degrading treatment.

M. B was facing illness symptoms at the moment he was arrested and they just kept giving him painkillers without serious medical check of his status. Thus, his health situation remained deteriorating till the day he was released. He was isolated in a cell underground that has small window that does not allow the minimum air or light. He was denied the right to communicate with his family or visiting him till the day he was released. He was deprived from leaving the cell to the yard and at night, they made disturbing sounds to prevent him from sleep through over the period of interrogating him.

As for the investigation with him, it was daily and used to last till even after mid night since the first day of his interrogation. He was investigated about his political activism and was associated with things that he did not say. Additionally, he was always subject to verbal attacking and cruel treatment and was denied the right to meet a lawyer.

Within the ongoing incitement against the Group, the mentioned prisoner was investigated about the accessed the services of the Group and how did he authorize a lawyer from the Group to represent him.

9. Activist M. A. R

On 28/12/2021, the Protective Security Body arrested the activist M. A. R from Nablus City on the background of his political affiliation without presenting any interrogation warrantee

M. A. R is a released prisoner from the Israeli prisons and suffers fracture in the skull and his health situation is critical. The Public Prosecution accused him for collecting money from an illegal association and extended his interrogation for 48hours.



On 30/12/2021, the Reconciliation Court in Nablus extended his interrogation for ten days with no consideration of his health status. On 3/1/2022, the court ruled to release him under personal guarantee of 3 thousand JD.

10. Activist A. T

Activist A. T is a released prisoner and a father of an infant in bad health situation. On 14/2/2022, he was arbitrary arrested by the protective security from his work place in Nablus without presenting any interrogation warrantee. He was arrested on political background

On 15/2/2022, he was released without being presented to any judiciary authority and without being accused of anything.

11. Activist M. B

On 8/2/2022, members of the General Intelligence Body in Ramallah, arrested the activist M. B without presenting any interrogation warrantee and he was arrested on political background. He was detained for a month accused for collecting fund and receiving fund for an illegal association.

The Group was notified about his detention and the representative of the Group addressed the General Intelligence Body on the next day to get power of attorney from the detainee to represent him legally based on the demand of the family. However, the Intelligence Body denied the detainee the right to meet the lawyer and the Group failed, later on, in figuring out the place where he was arrested. The representative of the Group addressed the Legal advisor of the Intelligence Body to figure out information about the detainee, but the advisor reported that he has no information about the location of interrogation. Few days later on, on the eighth day of the arbitrary arrest, the Group managed to identify the place where /m. B was interrogated as he was illegally transferred to Jericho Prison.

The interrogation of the mentioned activist was extended twice where the first extension was through the Court of Reconciliation- Ramallah while the second was through the Court of Reconciliation of Jericho for a total of 30 days of interrogation. On 7/3/2022, he was released under a personal guarantee of 5 thousand JD and restriction on the place of his staying. The next day following releasing him from Jericho Prison, he was arrested by the Israeli occupation.



12. Activist A. N

On 24/2/2022, members of the General Intelligence Body, arrested the activist A. N following showing up at the headquarter of the Body based on a summon to show up. He was investigated about his political opinions and activism. On 27/2/2022, his interrogation was extended for 48 hours by the Public Prosecution and on 1/3/2022; the Court of Reconciliation in Ramallah extended his interrogation for 15 days to accomplish investigation. On 15/3/2022, the Court of Reconciliation in Ramallah, ruled to release him under a personal guarantee of 500 JD.

The Group states here that on 25/2/2022, the father of the mentioned activist was interrogated arbitrary for five days following being summoned to show up for an interview at the Intelligence Body headquarter. The father was released on 2/3/2022 without being presented to any judicial body.

13. Activist A. R. B

Was summoned for an interview at the Protective Security on 6/3/2022 where he was arrested in Nablus City. He was arrested due to his political affiliation without presenting any interrogation warrantee. The next day of interrogating him, he was presented to the Public Prosecution that extended his interrogation 48 hours and investigated him for collecting and receiving fund

On 9/3/2022, the Court of Reconciliation in Nablus extended his interrogation for 10 days under investigation while he declared open- ended hunger strike. He was released on 13/3/2022 through a ruling from the court under warrantee

14. Activist A. A

Was summoned for an interview on 6/3/2022, the Protective Security Body arrested him from Nablus City due to his political affiliation (he is a released prisoner from the Israeli prisons). The next day of his interrogation, he was presented to the Public Prosecution that investigated him for possessing weapons without license and decided to extend his interrogation for 48 hours under investigation.

On 9/3/2022, the Court of Reconciliation- Nablus, extended his interrogation for 15 days and on 15/3/2022, the court ruled to release him under a personal guarantee of 2 thousand JD



15. Activist M. S

On 14/3/2022, members of the Protective Security Body in civil costumes, arrested him from Jenin Refugee Camp without presenting any interrogation warrantee from any authorized body. On 15/3/2022, the Court of Reconciliation in Jenin, ruled to extend the interrogation of the mentioned activist, based on the request of Jenin Public Prosecution, to accomplish investigation for illegal possessing of weapons. The Protective Security Body investigated him about his political affiliation. It is worth being mentioned here that he was injured by the Israeli army on 28/9/2021 during an invasion of Jenin Refugee Camp on that day.

16. Activist K. SH

On 2/3/2022, members of the Protective Security Body in civil costumes, arrested (M. N) from Qalqilia on the background of his social and political activism. He was arrested by a civil vehicle without presenting any interrogation warrantee.

On 3/3/2022, the court of reconciliation- Qalqilia, ruled to extend his interrogation for 15 days accused for illegal possession of weapons. Later on, he was transferred to Jericho Prison where he was investigated for his political affiliation only. On 9/3/2022, a ruling from the court was issued to release him under 500 JD financial guarantee.

17. Activist J. J

On 30/5/2020, activist J. J was held custody following being summoned to show up at the General Investigation body in Ramallah. He was interrogated based on posts on the website of (Telecommunication Company: It is Enough). The next day, he was presented to the Public Prosecution in Ramallah to be investigated. The Public Prosecution referred his file to the Court of Reconciliation- Ramallah accused for "transferring false news through phone, in violation of article 91/ a of the Telecommunication Law 3/ 1996.

On 1/6/2020, the Court of Reconciliation in Ramallah ruled to convict J. J and was sentenced for three months imprisonment following completing the litigation process.

Lawyer Thafer Saayda, from the Group, advocated the mentioned activist and demanded releasing him as the core of the issue for which the activist is litigated, does not stand as a crime according to the legal articles upon which the public prosecution built the accusation. Additionally, the lawyer mentioned that convicting him by the court itself is also illegal. On 11/10/2020, the Court of first Instance, Ramallah, as a court of cassation, ruled to release him and



rejected the ruling of the court of reconciliation and referred the file back to the court of reconciliation to correct its ruling.

On 8/12/2020, the court of reconciliation in Ramallah ruled that the mentioned activist is found not guilty and stated that the act associated with him is not felony and so, he is not guilt.

- Arrest on the background of student and syndicalism work:
 1. Student H. A

On 23/5/2021, the General Intelligence Body arrested the medicine student at al- Quds University (H. A) without presenting any interrogation warrantee. He was arrested for expressing his opinion through the social media websites. On 26/5/2021, the court of reconciliation- Jericho extended his interrogation for 15 days based on the request of the public prosecution of Jericho to continue investigation. He was arrested before a major exam in the university and the court rejected the demand of the defense team to release him and accepted the request of Jericho prosecution to extend his interrogation though he was not investigated. On 30/5/2021, the court of reconciliation- Jericho, ruled to release him under personal guarantee.

18. Student M. H:

On 29/12/2021, the Protective Security Body in Nablus arrested the student at an- Najah University (M. H) accused for raising and collecting fund. He was arrested without presenting any interrogation warrantee. He was investigated about his activism within the student movement and political affiliation. It means that the accusation has no legal base and just a claim to interrogate the mentioned student arbitrary. On 3/2/2022, the court of reconciliation- Nablus, ruled to release him under justice warrantee of 2 thousand JD

Two weeks after he was released, the Protective Security Body re arrested him (on 16/1/2022) and was accused for illegal possessing of weapons. He was investigated once again about his activism within the student movement without mentioning of the accusation upon which he was interrogated. On 24/1/2022, the court of reconciliation- Nablus, ruled to release him under justice guarantee of 2 thousand JD.

Interrogating the mentioned activist and accusing him for false accusation by the Protective Security, is nothing but a coverage to investigate him for his activism within the student movement, which is one of the basic constitutional rights protected by the Basic Law and the International Conventions and Treaties. The interrogation is violation of the Palestinian Basic Law.



19. Student M. S:

On 22/11/2021, the security bodies arrested the student (M. S) from Jenin City. He is a student at an- Najah University- Nablus and he was transferred to Jericho prison. The public prosecution accused him for illegal intervention within the affairs of individuals and families in violation of article 1/ 22 of the decree- law about the electronic crimes- 2018. The investigation was about a post on his personal Facebook page in which he criticized the Palestinian Authority that has no harming and later on, on 2/12/2021, he was released.

20. Student A. B

A. B is a student in an- Najah National University where he reported to the Group that he was subject to physical and mental torture by the General Intelligence Body. He was summoned several times for investigation on the background of his political opinions and involvement in student activities inside the university.

During one of the times he showed up there, the Intelligence Body interrogated him for two days without accusation and without being presented to any judiciary authority. During the latest summon, he was beaten by the members of the General Intelligence Body. He reported in his statement to the Group, the following:

“I was summoned by the General Intelligence Body at 21:00 on Friday and I refused to go as I had final exams at that time, and they used to summon me during the time of exams and always I was summoned for the same reasons. I know the real reason why do they ask me to show up there and it is because of my posts on social media. I was sure that all my posts at that time was not with any criticism. All my posts called upon achieving national unity and I was surprised how the investigator interpreted my posts as incitement against the Palestinian Authority.

I used to refuse to show up at their headquarter. The officer who summoned me, informed my family that there is nothing to worry about and that I will return home quickly. When I entered the headquarter, there was nothing to do with me, just a six minutes discussion between me and an officer about a lecture that was arranged in the university. Then he accessed my Facebook page and asked me about my posts and considered that my posts about the winning of the independent candidates in the first round of local governance elections, as incitement against the PA. he asked me how did Hamas impose control on Gaza Strip and I replied that I have no idea. He said: “they controlled Gaza through attacking others with a shoes and now, the shoes will hit you on your head”. When I asked him why was he speaking to me in that way though I was talking to him politely, he said: “I want to provoke you to figure out your reaction”.



Suddenly, the investigator approached me and slammed me on my face. The slam was strong to the degree that my glasses fell down and I shouted: "Why are you doing that, what did I do?" He started shouting, put his hand on my neck, and started hitting my head with the wall. I could not defend myself and then he tried to suffocate me.

Two other members rushed into the room when they heard the shouting. One of them approached me and threatened me if I continue shouting. This person said "Do not shout regardless of what he might do and if you continue, I will suffocate you". Then they called the jailer who took me to a cell with weak light and they provided me with some food. I refused to eat or drink and I started hunger strike and the jailer started to shout at me because of my strike

The next day, they took me to the room where there were four persons; one of them is my lawyer. I informed him that I need some clothes and that I am on hunger strike since the day before and I have pain in the head and weakness in my body. One of the investigators interrupted me and said: "why are you on hunger strike?". I replied because I want to go back to my home. I informed the lawyer that they beaten me the day before. The investigation session started and after an hour of investigation, the jailer came and took me where he informed that that I would be released. I was not presented to the public prosecution. The mentioned student added to his statement: "As political prisoners we suffer a lot as the members of the security bodies keep producing horrible sounds during the nights to deprive us of sleep and there are cameras in the cells".

21. Student A. SH

A. SH is a university student at an- Najah University and a released prisoner from the Israeli jails. He was arrested by the Protective Security in Nablus on 1/3/2022 due to his activeness within the student movement.

On 2/3/2022, he was accused by Nablus Public Prosecution for collecting and receiving fund for an illegal association and was interrogated for 24 hours under investigation. A lawyer from the Group attended the Prosecution Investigation session with the interrogated during the second day of the interrogation. In that session, he reported that he was beaten by a chair on his shoulder and there was scar on head front head and a 5 cm wound in his head. Additionally, there was a wound in his ear and he added that he was fastened by the Protective Security Body.



On 3/3/2022, the court of reconciliation in Nablus, extended his interrogation for 7 days. On 7/3/2022, the court ruled to release him under 10 thousand JD financial guarantee and the file was closed.

22. Student (M. A)

On 13/2/2022, the Protective Security Body arrested the student (M. A) who is a university student at an- Najah National University. The mentioned student needed more than 10 years to accomplish his degree due to being arrested several times by the Palestinian security bodies as well as being arrested by the occupation. He could not finish study due to being arrested several times. The latest arrest was by the Protective Security Body for his activeness within the student movement. He was arrested for practicing his right to freedom of opinion and no interrogation warrantee was presented at the moment he was arrested.

The Public Prosecution of Nablus extended his interrogation for 48 hours without any accusation and later on, on 15/2, he was released.

23. Students (A. D and A. SH)

On 2/1/2022, the General Intelligence Body in Nablus, arrested the two mentioned students without presenting any interrogation warrantee. On 5/1/2022, the court of reconciliation- Nablus, extended their interrogation for 7 days. On 13/1, a court ruling was issued to release them under 2 thousand JD justice guarantee. Yet, they were not released as another accusation was associated with them "affiliating military powers and militias" on 6/1. Based on that, the court of reconciliation in Nablus extended their interrogation for 15 days and then the interrogation was extended for another 4 days on 20/1. On 23/1, a ruling from the court to release them was issued for a financial guarantee of 200 JD for each to be deposited in the court's fund and a personal guarantee of 3 thousand JD

It is worth being mentioned here that during the period on interrogating the two students for the first and the second accusation, they were investigated about their political affiliation and activeness within the student movement inside the university.



24. Student (S. S)

On 28/2/2022 the protective security body in Nablus, arrested (S. S) from Jenin City. he is a student at an- Najah National University and was arrested for his activeness within the student movement.

His interrogation was extended for 4 days by the public prosecution in Nablus after being investigated for collecting and receiving fund from an illegal association. On 2/3/2022, his interrogation was extended by the court of reconciliation- Nablus, for 15 days. The investigation was about his activeness within the student movement and his work inside the university with no mentioning of the accusation associated with him by the public prosecution. On 9/3/2022, the court ruled to release him under personal guarantee of 1 thousand JD and the file was closed.

25. The case of 3 Students from Birzeit University:

The Group followed up profound violations of human rights that three students from Birzeit University were subject to by the General Intelligence Body. They were arrested for their participation in preparing a ceremony in recognition of the annual anniversary of Hamas. They were interrogated without accusation. Those students are (Y. D) interrogated for 11 days, (A. S) interrogated for 12 days, and (M. Q) interrogated for 13 days. Their human rights were severely abused during the interrogation periods. The three of them were arrested at the same time during December 2021 and the court of reconciliation- Ramallah, extended their interrogation.

The three students reported that they were interrogated in a very narrow room (similar to a closet) where for more than three days and nights, they remained with hands cuffed and were deprived of sleep or rest. They were obligated to remain standing during the period they were held custody inside the mentioned room.

The Lawyers of the Group documented that (A. S) was brutally beaten during the first days on interrogating him while the three of them were fastened during the detention period. They were investigated about their activeness within the student movement in the university and their role among the student blocs. Their families were denied the right to visit them.

Third: Arrested Cases on the Background of Political Participation



The Group followed 6 cases that were arrested on the background of participating in the local governance elections that took place during 2021. 3 cases were arrested during the first round of elections while the other 3 were arrested during the second round:

- **(Z. A)**

A Palestinian citizen aging 38 years old. He is married and the breadwinner of his family and additionally, he is a released prisoner from Rantees Village- Ramallah. On 1/9/2021, the General Intelligence Body arrested him arbitrarily following he was summoned for an interview.

He remained held custody till 5/9 without being presented to any judiciary body. He was not allowed to contact neither his family, no his lawyer and no one knew anything about the place where was he interrogated.

On 6/9, he was released after 5 days of arbitrary interrogation by the General Intelligence Body in Ramallah after being subject to cruel treatment.

On 11/1/2022, (Z. A) was arrested once again by the Intelligence Services Body following his winning in the local governance elections in the village. The court accused him for collecting and receiving fund from an illegal association while the investigation was about his participation in the local governance elections.

Following several attempts from the lawyers of the Group, to issue a ruling to release the given citizen (all were rejected by the court based on the request of the Public Prosecution), yet, the family received a phone call from the General Intelligence Body on 26/1/2022 asking the family to submit a request of release for him and stressed that such request should be submitted by the family but not through the lawyers of the Group as a condition to release him.

Based on that, the family informed the Group and they submitted the request that was accepted by the court and he was released. The latest request submitted by the Group was on the day before the day that the family submitted their request but it was rejected. This indicates clearly that the principle of judiciary independence is violated and that the security bodies interfere with the work of both the public prosecution and the judicial authority.



- **(M.S)**

On 16/12/2021, members of the General Intelligence Services Body, in Ramallah, arrested the citizen (M. S) from Nileen Village- Ramallah without presenting any interrogation warrantee. He was presented to the court accused for possessing a weapon without license. He was not allowed to authorize a lawyer to represent him. The court extended his interrogation for 15 days under investigation but, the investigation was about his participation in the local governance elections that took place on 11/12/2021.

On 29/12, the court of reconciliation- Ramallah, ruled to release him under personal guarantee of 1 thousand JD

According to his statement, during the 13 days of interrogation, he was investigated about the participation of one of his relatives in the list that won the elections. He was investigated about his role in forming and supporting the winner list. Additionally, he was investigated about his participation in the Great Dawn youth campaign.

M.S reported to the Group that he was beaten on his head while he was transferred from Ramallah Prison to Jericho Prison on the seventh day of interrogation. He was on hunger strike during the first 8 days of interrogation to protest against arresting him on political background.

In Jericho Prison, he was investigated on daily base and the family and the lawyer (from the Group) were denied from the right of visiting him.

- **(A. A):**

On 11/1/2022, the activist and candidate of local governance elections (A. A) was attacked and arrested from Ein Yabroud Village- Ramallah. There was an attempt to damage the glass of his car where a checkpoint was on the entrance of his village to prevent him from entering.

The Group got the complaint of the mentioned citizen and based on his statement, the attackers were in civil costumes and introduced themselves as members of the General Intelligence Services Body. They tried to attack him and arrest him under force without presenting any interrogation warrantee.

According to (A. S), the attack is following the winning of the list to which he belongs, in the elections and after the Protective Security Body sent a notification to his son to handle himself immediately to the Security Body. The current arrest attempt, comes after several previous political arrests he faced. He reported that he is still subject to harassment from the security bodies and threatening phone calls.



Fourth: Violating the Right to Physical and Mental Safety (Torture):

The Group follows up the cruel treatment that interrogated face whether physically or verbally. 85% of the detained cases faced violation of their right to physical and mental safety. However, just few of those subject to cruel treatment, complain against that or mention that in their statements. However, following is description of some cases:

- **(A. B):**

On 29/11/2021, members of security bodies in official uniform and masked faces brutally beaten (A. B) while he was on the main street of Tulkarem. The aim was to arrest him in inappropriate way though his child was him. The video that was recorded for the event, proves that the security body members (were in the uniform of the Public Intelligence Services Body) did not present an interrogation warrantee. He was interrogated for one day in arbitrary interrogation and without being presented to any judiciary authority or being accused. The next day, he was released.

- (M. Sh)

The Group followed arresting the released prisoner (M. Sh) from Qalqilia on 12/2/2021. The arrested citizen is cars dealer and received a phone call from the General Intelligence Body saying that they want to purchase a car from his agency. They did not introduce themselves over phone when they called him. When they reached his place, 7 of them started beating him all over his body and arrested him. They confiscated his car and interrogated him for 4 days without being presented to any judiciary authority and without accusing him for anything.

- **(A. N):**

The Group followed the case of arresting the university student (A. N) who was a previous political detainee by the Palestinian security bodies due to his activeness within the student movement at Birzeit University. The mentioned student was forced to change the university after he was subject to pursuing and ongoing harassment by the security bodies for his activeness in the university. Towards the end of 2021, the Group managed to obtain a ruling that the given citizen is not guilt for a political association that was associated with him when he was arrested the first time, three years ago. Yet, the case did not end yet.

(A.N) was subject to ongoing pursuing just because he was in touch with his colleagues at Birzeit University, and on 17/3/2022, he was arrested and accused



with a political accusation. When (A. N) asked the judge to allow him to speak, the judge refused and the representative of the prosecution asked him to remain silent. He is on hunger strike since the first day he was arrested.

On 31/3/2022, a ruling to release him under personal guarantee was issued. The Group worked on documenting the circumstances of his interrogation based on a statement collected after he was released. In his statement, he reported about the hunger strike for the first ten days of interrogation. He added that he was beaten all over his body during the investigation rounds and he was fastening and subject to cruel treatment. Additionally, he was verbally attacked as well as being arrested for three days inside a closet. The closet is a cell that is just one squared meter area where the prisoner cannot sit inside it due to being very narrow.

- **Journalist (A. A)**

On 5/9/2021, at 8:30 in the morning, members of the Police brutally beaten the journalist (A. A) in front of the Police Station in al- Biereh City. He suffered injury in his chest and in other parts of his body, which required him to seek medical relief in the hospital. He was attacked because of his work as a journalist and additionally, he was threatened through his social media pages (Facebook) and he was subject to incitement. The purpose was to silence him.

Fifth: Violating the Right to Peaceful Assembly

The Group followed up approximately 68 cases of arrest on the base of practicing the right to peaceful assembly. All the arrested cases were during the demonstrations that protested against murdering Nizar Banat. The arrest campaigns included journalists, political activists, human rights defenders, university students, normal citizens, and governmental employees. The role of the General Investigation Body was clear in oppressing the demonstrations as all the arrested cases were through the given security body that was associated with dispersing these demonstrations. The Group documented other violations of the Right to Peaceful Assembly and we will detail these violations here:

- **Demonstrations against Assassinating Nizar Banat:**

Following murdering Nizar, on 24/6/2021, there were tens of peaceful demonstrations protesting against the crime. Protestors were subject to oppression and beaten as well as breathe trouble as the security bodies used tear gas to disperse the protestors. The General Investigation Body was associated with the mission of disperse the demonstrations where they used also pepper



spray against protestors. Protestors were beaten by sticks and the backs of guns as well as being beaten by hands and legs. The Group documented the case of beating journalist (N> Z) and (F. Kh) who were subject to cruel treatment. The female journalist (N. Z) submitted a complaint through the Group to the military prosecution to account the members of the Investigation Body for their crimes against the protestors. Although the identity of the perpetrators was identified in the complaint, yet, nothing was done by the military prosecution against those militants till the day the report was accomplished.

The Group documented the cruel degrading treatment that Doctor (D. A) and engineer (N. H) were subject to in front of the Police Station in al- Biereh City on 24/8/2021 by women police as they were participating in a demonstration against murdering Nizar Banat. The spouses and other family members of the two mentioned, were also arrested.

During the demonstrations, militants in civil costumes confiscated the cell phones of some protestors including the cell phones of journalists (males/ females) where these cell phones were hacked and the contents were used to threaten and blackmail the victims to prevent them from participating in the demonstrations. Till now, the Group is following up the complaint against the rejection of the security bodies to give back the confiscated properties during the demonstrations.

On 11/1/2022, the Group managed to get a ruling that 11 of the participants in the demonstrations are not guilty. Those activists participated in protesting against murdering Nizar Banat. The accusations associated with those activists included: Continue involvement in an assembly and rejection of disperse but through force and slandering the Palestinian Authority”.

The Group obtained on the same day, a ruling that other 4 activists are not guilty as they were trialed on the background of participating in the demonstrations. Those four were accused for (stir strife and illegal assembly).

Till the moment of preparing the current report, there are still many lawsuit cases being discussed in the court of reconciliation- Ramallah for activists who participated in the demonstrations that demanded justice for Nizar. The Group is following up these cases and they include:

- The case of 11 activists that was endorsed on 27/6/2021 and they are accused for: “illegal assembly, dealing with public employee in violence or threatening him or raising weapon in his face while he was on duty or because of tasks he accomplished due to being in service”
- A case against 3 activists endorsed on 7/7/2021 and accused for: “stir strife



and illegal assembly and slandering the Palestinian Authority". They are accused also for spreading incitement through the internet.

- A case against (H. S) endorsed 7/7/2021, and accused for "Stir Strife and illegal assembly". The given citizen was brutally beaten by the General Investigation Body on 4/7/2021. Currently, he is arrested by the Israeli authorities while his trial in the Palestinian courts is still going on.
- The case of (F. J, and his son A. J) that was endorsed on 11/7/2021. They were accused for: "stir strife, illegal assembly, slandering public employees, dealing with public employee in violence or threatening him or raising weapon in his face while he was on duty or because of tasks he accomplished due to being in service" and another case against (F. J) endorsed on 26/7/2021 and accused for: "stir strife, illegal assembly, and slandering the Palestinian Authority"
- A case against 3 activists endorsed 13/7/2021 accused for "stir strife, slandering the public authority, and pursue assembly and not disperse but through force".
- A case against the journalist (A. r) endorsed on 23/7/2021 accused for slandering the Palestinian Authority.
- A case against journalist (T. Kh) endorsed on 28/7/2021 and accused for stir strife
- A case against 3 activists endorsed on 28/7/2021 and accused for: "illegal assembly and violating the regulations and orders of the authorized bodies".
- A case against 8 activists endorsed on 24/8/2021 and accused for "stir strife, illegal assembly, and slandering the public authority".
- Attacking the funeral of Martyr Amjad abu Sulttan:

On 27/11/2021, the Group followed up the photos and video clips from the funeral of martyr Amjad abu Sulttan in Bethlehem. As indicated from the photos and videos, members of the security bodies in civil costumes, oppressed the participants in the funeral from the various political parties. The Group documented the behavior of the Security Bodies as violation of the Right to Political Work. Violating the right to political work and pulling down the flags of the political parties and attacking those who raised the flags, violate the Basic Law and violate the presidential decree (5/ 2021). Article 1 of the mentioned decree highlights the importance of enhancing the democratic environment in



Palestine including the right to political work in accordance with the basic law and their other related laws.

- **Shooting Towards a Peaceful Demonstration in Toubas:**

On 1/2/2022, the Group followed up shooting towards secondary schools students during a peaceful sit- in arranged in Toubas City. The videos about the event proved that one of the security bodies members was shooting causing the injury of at least one student with live ammunition.

Sixth: Right to Litigation and Free Trial Principles:

The right to litigation is subject to a series of violations that deprive people of accessing justice resources and claiming their rights through transparent judicial system. Violating the right to justice is practiced either through controlling the justice system by the security bodies or through legalizing the violations through issuing decrees- laws that legalize the violations and deprive citizens the right to fair trial.

Among the forms of violating the right to litigation and fair trial principles, is arresting on behalf of the governor or to continue trialing Palestinian citizens in front of the Palestinian courts though they are arrested in the occupation's prisons. Following, are some of these cases:

- **Arrest on Behalf of the Governor:**

On 7/12/2021, members of the General Intelligence Services Body, arrested (M. N) without presenting an interrogation warrant. Additionally, the Group did not find with the Public Prosecution any document related to his file. It means that he was interrogated without any legal base and in arbitrary way. The General Intelligence Services Body (where he was interrogated) deprived the family from visiting him. Thus, the family was worried about the circumstances of interrogating him and his health conditions. The Group in cooperation with High Commissioner of Human Rights, managed to identify the place of interrogation as he was interrogated on behalf of Qalqilia Governor.

The Group addressed the Public Prosecutor demanding immediate release of (M. N) as the procedures of interrogating him were illegal and that he was not presented to any judiciary body with the absence of concrete reasons to interrogate him. The Public Prosecutor (Akram al- Khateeb) informed the Group on 16/12/2021, that (M. N) is interrogated on behalf of the Governor of Qalqilia (Rafei Rawajba)



The Group appealed to the court of cassation on 15/12/2021 against interrogating (M. N) on behalf of the Governor as an illegal act and demanded arranging a court session to discuss the appeal against arresting him by the General Intelligence Services Body on behalf of the Governor and that he was not presented to any judiciary body.

On the day that followed submitting the appeal by the Group, the Governor of Qalqilia decided to release (M. N) where the decision states: "Based on the authorities given to me legally, we decide to release citizen Mousa Abdul-Raheem Nazzal, who is interrogated on behalf of us. The decision is effective since 16/12/2021, as the reasons of interrogating him do not exist anymore. Related parties should implement the decision immediately taking into consideration that the reasons of interrogation are still unknown for us.

On 21/12/2021, the Group received a written reply from the Public Prosecution regarding the procedures of interrogating (M. N) on behalf of the Governor where among the provided documents, was the decision issued by the Governor to release him, which indicate that he was interrogated on behalf of the Governor for 9 days.

The Supreme Court, before becoming administrative cassation court, ruled based on an appeal submitted by the Group that interrogation on behalf of the Governor is an illegal act. The appeal that the Group submitted was against interrogating a citizen on behalf of the Tulkarem Governor. That case was similar to the case of (M. N) where the court considered such act as intervention from the governor within the work of the judiciary authority. The court added in the ruling that such practices damage the independence of the judiciary authority.

Based on that, Lawyers for Justice Group express astonishment for the procedures of interrogation on behalf of the Governor as such procedures violate the right to litigation and the right to personal freedom. The Group is also shocked by the response of the Public Prosecution that enclosed the decision of the Governor to release the prisoner and considered it one of the justifications for rejecting the appeal.

The Group emphasizes that what is going on is a violation of the constitution and it is legalized by the representatives of the Public Right where these practices will open the door for more oppression and pursuing of the citizens and violating their right to freedom of opinion. Such practices come while we are all struggling to ensure the independence of the judiciary authority and ensure the separation of authorities. The Group emphasizes that the power of the Public Prosecution is above the power of the Governor. The power to interrogate any citizen is legally associated with the public prosecution but not any other authority and it is the



authority that represents the public right. It is not accepted to utilize the Public Prosecution as a tool to legalize the crimes that violate the human rights.

- Continue Trialing Palestinian citizens in front of the Palestinian courts though they are arrested in the Israeli Prisons:

The Group follows up the trialing of some Palestinians in front of the Palestinian courts though those were political prisoners in the past. Trialing Palestinian activists who are arrested in the Israeli Prisons deprive them of their right of litigation and fair trial. Among the cases that are still open in the Palestinian courts, the following:

- Prisoner (A. A) a precedent political detainee and trialed for (possessing or transferring weapons and ammunition illegally).
- Prisoner (H. S) a precedent political detainee and he is trialed for “stir strife and illegal assembly”
- Prisoner (M. A) a precedent political prisoner and is being trialed for “possessing fire gun without license, manufacturing weapons, collect and receive fund from illegal association”
- Prisoner (M. B) a precedent political prisoner and trialed for collecting and receiving fund from illegal association.

Based on the above- furnished, the Group believes that the decision of convicting issued by the Palestinian courts are horrible on the level of both the reasons and the sentences when it comes to the case of public freedoms and human rights. These rulings indicate that there is no awareness of the rights and legal issues and weak understanding of the Palestinian legal set and the international human rights law instruments that highlighted these rights. Thus, it seems that the commitment of the State of Palestinian with the international conventions and treaties, which embodied the culture of human rights, is not concrete commitment. Additionally, it seems that the rulings of the Palestinian courts contribute in embodying totalitarian regime with shrinking space for democracy and human rights.



Conclusions and Recommendations:

Any observer of the overall situation in the West Bank would easily see the wide violations of human rights and the oppression that citizens and political activists face. Human rights defenders and university students are also among the groups that face violations of their human rights including arbitrary arrest and oppression in the streets once they practice their human rights. Palestinians are oppressed by the security bodies in clear violations of the constitutional rights with the absence of monitoring of the performance of the security bodies. No serious accountability of the persons who commit the violations of human rights. The absence of the legal frames to protect the right to litigation caused a gap in protecting the rights of persons deprived of their liberty and those whose rights are violated.

The applied methods to oppress people varied and the security bodies utilized several tools in attacking people and abusing their rights of journalism and activism. Some of these methods represent direct violation of the basic law and the legal measures included in the international human rights law instruments. Other methods included arbitrary usage of the authorities in order to oppress the peaceful assemblies and the right to freedom of opinion and expression. Additionally, there was arbitrary utilization of the interrogation orders issued by the Public Prosecution in order to cover the crimes of arbitrary arrest. The Public Prosecution issued orders to extend the interrogation orders of journalists and human rights activists and the social media activists as well. The Public Prosecution accused interrogated with false accusation in order to justify the interrogation orders and so, to enable the security bodies to investigate those

prisoners about their political opinions and political affiliation or to investigate journalists for their work or to investigate students for their activism within the student movement.

The violations of freedoms and human rights during the previous period are alarming. There should be efforts to stop these acts in order to protect the human rights and the values of democracy. Protecting the rights would enable developing a democratic community and creating the state of institutions. For that, we propose the following recommendations:

1. The president of the Palestinian Authority and the council of ministers should take clear position regarding protecting human rights and account those who violate these rights. Those who violate the human rights alongside with others who might support them, should be presented to the official legal channels and courts to be trialed for their crimes. There should be concrete measures to protect human rights and not make it enough just to issue statements about the role of duty bearers in protecting the rights. The president of the Palestinian Authority should stop issuing decree- laws that violate human rights and should cancel all the decrees issued in the previous years that violate human rights.
2. We recommend the Palestinian Authority to arrange the public (PLC and presidential) elections to fill the constitutional gap and end the political division. There should be a PLC elected democratically to take the mission of issuing the laws and monitor the performance of the executive authority. The PLC would be capable of working on canceling the old legislation that violate human rights (still applicable in Palestine) and issue new laws that accord with the international human rights conventions and treaties. The new legislation would contribute in protecting human rights and provide legal protective umbrella for these rights. There is a need for legislation to protect the right to access justice resources and protect the principles of fair trial.
3. We recommend the necessity to respect the principle of separating authorities and end the domination of the executive authority. We emphasize the necessity to protect the independence of the judiciary authority and the independence of the judges. The security bodies should stop interfering with the work of the judiciary authority and the public prosecution to ensure that all have access to justice and that their rights and freedoms are protected and that they enjoy fair trial. The procedure "arrested on behalf the governor should be ended" as it is illegal act and violates the basic law and is considered as administrative detention

4. We recommend the necessity and the need to protect human rights defenders and ensure that they are not harmed and that they work freely. We demand to stop the deformation process of the human rights defenders that are published to damage the reputation of the human rights defenders and limit their work. We demand to stop all the incitement acts against the Lawyers for Justice Group.
5. We demand his Excellency, the Public Prosecutor, to open serious investigation files about the cases of demonstrators and detainees who reported to be subject to torture and investigate all those who violate the human rights under the justification of implementing the law.