

Weekly Focus:
Palestinian Authority Violations of the Right to Peaceful Assembly
29 June – 5 July

9 July 2011
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The Palestinian Authority (PA) has repeatedly denied its citizens the right to peaceful assembly in the West Bank. On 2 July, Hizb al-Tahrirⁱ held peaceful demonstrations in several towns throughout the West Bank in protest against the prohibition of a planned march commemorating the 90th anniversary of the destruction of the Islamic Caliphate as constituted by the Ottoman Empire.ⁱⁱ All of these gatherings were forcibly dispersed by Palestinian Security Forces.

The Facts

On 8th June, Hizb al-Tahrir began organising its march by submitting a written notice to the Governorate of Ramallah informing them of the details of the events planned for 2 July. In the weeks that followed Hizb al-Tahrir was informed orally on two occasions that the march would be allowed to go ahead – firstly, on 9 June, in a meeting with the Director of the Office of the Governor of Ramallah and secondly, on 28 June, in a meeting with the Director of Police responsible for ensuring order on the day of the march.

However, on 30 June, two days before the planned march, Hizb al-Tahrir representative Baher Saleh was informed in a meeting with the Deputy Governor of Ramallah, Hamdan Barghouti, that the march would not be permitted. At no stage was written notification explaining the nature and justification of this decision given to party officials.

The banning of the march provoked protests in Nablus, Qalquilya and Ramallah. The ensuing violence against the protestors was documented by Al-Haq field researchers:

- **Nablus** - Firas ‘Abd-al-Majid Khayyat, an agricultural engineer, left the main mosque after prayers in the Old City just before 5:00 pm on 2 July and saw that there was a Hizb al-Tahrir protest following his normal route home from the mosque. After walking for about 100 metres, plain-clothed security personnel attacked a protestor. When other protesters attempted to intervene two security personnel drew handguns and opened fire, striking Firas in the leg and injuring five others.

At the hospital, he was questioned by intelligence and police personnel and prevented from seeing his family. He was released from the hospital the next morning. (See Al-Haq Affidavit No. 6453/2011)

- **Qalqiliya** – Bassam ‘Abd-al-Rahim Da’our, a doctor, left the mosque after prayers at around 4:45 pm on 2 July and took his usual route back to his house, which coincided with the route of the Hizb al-Tahrir protest. Palestinian National Security Forces and Special Police blocked the path of the protest and assaulted protestors with batons, also striking Bassam on the head.

He was first taken to the hospital for treatment after which he was escorted to the police station. Finally he was moved to an investigator’s office where he was pressured to sign a form stating that he was arrested at the Hizb al-Tahrir march. He refused and after being further detained for over an hour was sent home. (See Al-Haq Affidavit No. 6455/2011)

- **Ramallah** - The Palestinian Security Forces set up military checkpoints at the entrances to the town before the planned starting time of the march at 4:30 pm. They stopped vehicles to check IDs and were reported to have fired into the air at the 'Araba entrance to Ramallah. When the demonstration began in al-Manara Square in the centre of the town, dozens of protestors were beaten with batons and many were arrested.

Region	Arrested	Still detained	Injured	Injuries
Hebron	35	0	101	Bruises, cuts and fractures - mainly moderate injuries
Salfit	9	0	2	Both have shrapnel leg wounds, one underwent surgery.
Qalqiliya	10	0	15	Bruises and cuts on the head
Toulkarem	15	7	5	Bruises from beatings with batons
Nablus	12	0	5	One wounded in the leg by a live bullet, the rest by shrapnel
Ramallah	270	0	Dozens	Bruises from beatings with batons
Bidiya	4	3	-	
TOTAL	361	10	-	

The Law

The Palestinian Basic Law: The right to peaceful assembly is a constitutional right. Article 26 of the Palestinian Basic Law guarantees the right to participate in political life, both individually and collectively including the right to peaceful assembly as enshrined in further legal provisions under Palestinian law.

Law 12 of 1998 Re: Peaceful Meetings: Article 2 of Law 12 reiterates the constitutional right established under Article 26 of the Palestinian Basic Law. Furthermore, Article 3 requires the organising party to submit written notice to the governorate or the director of police outlining the plans for its event at least 48 hours before the start of the gathering.

Article 4 states that the authorities cannot deny the right to assemble unless the event concerned involves illegal activities or is perceived to pose a threat to public order. Should the authorities wish to deny the right to assemble on these grounds they are required to notify the organisers, in writing, at least 24 hours prior to the event outlining the justification of their decision.

In this instance the failure of the Governorate of Ramallah to do this is a violation of Palestinians' constitutional rights.

The violations committed during the 2 July protests are reminiscent of past incidents. On 18 August 2010, a Hizb al-Tahrir march in Ramallah was obstructed by Palestinian Security Forces. On that occasion, the PA announced that Hizb al-Tahrir members would be systematically prohibited from assembling because the Party is not officially registered.

However, the legality of Hizb al-Tahrir was recognised in 1955 by the **Law on Political Parties**, which declared legal all those founded prior to that date. As such there is no need for additional registration. Therefore, the obstruction of the activities organised by Hizb al-Tahrir violates the party's right to undertake peaceful gatherings.ⁱⁱⁱ

Action

In light of the crackdown on Hizb al-Tahrir and other instances of violence against protestors, Al-Haq calls upon the Palestinian Authority and its security apparatus to fulfill their duty under Palestinian Law to:

- Adhere to the requirements as defined in Palestinian law for notifying groups should it be decided that their plans to assemble are not permitted;
- Refrain from the use of violent methods in dispersing public gatherings, especially when they are clearly peaceful and properly organised;
- Free those who have been illegally detained since 2 July;
- Undertake an investigation into the violations of human rights committed in connection with the Hizb al-Tahrir marches on 2 July those in order to compensate those injured by the security force and hold those responsible accountable for using excessive force.

ⁱ Hizb al-Tahrir [*Liberation Party*] is an international political organisation founded in the West Bank in 1953. It calls for the establishment of a worldwide Islamic Caliphate.

ⁱⁱ Bidiya, Hebron, Nablus, Qalqiliya, Ramallah, Salfit, Tulkarem.

ⁱⁱⁱ Al-Haq, Z. Hamidan, '[The Division as a Black Page in the Path of Rights and Freedoms](#)' 2011.