

# Tolerance in the Palestinian Authority Territories

## Semi-Annual Report

First Report

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## Part One

# Theoretical Framework

### Introduction

It seems that the need to disseminate and consolidate the culture and values of tolerance in the Palestinian society has become now, more than ever before, a necessity and an urgent task. Moreover, transforming this culture and values into a societal conduct is not less important. Dealing with this culture as an abstract intellectual concept detached from the actual human behavior is not beneficial. Behavior patterns preceding, accompanying and following the series of conflicts between the Fateh and Hamas movements, the last few years, have proved the need to take rapid steps to spread and plant a culture of tolerance in the Palestinian society. The conflict, in addition to the absence of judiciary and security roles of the Palestinian Authority in the wake of Operation Defensive Shield, carried out by Israeli occupation forces against the infrastructure of the Palestinian Authority, has led to a decline in the levels of tolerance among the Palestinians. This does not imply that the Palestinian society was tolerant at all times, it does not mean that it was not in need of such culture and values, but that the intensity of the conflict, and the tragedies that have accompanied it have made it a more urgent matter than before.

The importance of exhibiting tolerant behavior assumes more prominence after tragic events suffered by nations and peoples; absence of tolerance allows for absence of restrictions on conflicting parties, makes them deploy inhuman acts and extreme use of violence without any ethical or legal restrictions. This is what happened when the conflict intensified between Fateh and Hamas in Gaza Strip, and during the retaliatory actions in the West Bank in the wake of the decisive military victory by Hamas. There were executions of fighters captured by their opponents committed in the streets; some were kidnapped and executed, political opponents were shot dead and, in some cases, shooting aimed at causing damage or disability to opponents. If the two parties to the conflict had shown a certain level of tolerance, these acts would not have been committed.

The absence of tolerance deepens the gap and increases hatred between conflicting parties, even when confrontations reach an end; it makes it difficult to get conflicting parties to sit together to resolve their differences. This is what is happening in Palestine today. A year has passed since the decisive military win by Hamas in Gaza

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Strip, but the two parties to the conflict still refuse to deal with each other.

The Ramallah Center for Human Rights Studies (RCHRS) started giving due attention to the issue of tolerance several years ago. Following its work in this field, the RCHRS has noted that during the last two years, and with the recent developments in Palestinian human rights standards, especially tolerance is in serious jeopardy. Tolerance in the Palestinian society has badly deteriorated. The center was accordingly obliged to think of developing its work in this area, adding a new task to its others, namely monitoring the situation of tolerance within the Palestinian society, especially its levels among the different religious, political, social and cultural components, in order to assess and evaluate the situation compared to previous periods, to warn against its escalation, to correct the situation and to provide recommendations that would improve the level of tolerance in Palestine.

Thus emerged the idea of producing a semi-annual report on the state of tolerance in PA territories by RCHRS. Issuing such a report has not been an easy task for the following reasons:

- A report like this is considered a unique endeavor by all standards, in Palestine, the countries of the region and even in the countries of the world. Hence, exercising our own judgment, will play a big part in issuing the report; the center will need to search for possible ways of measuring the state of tolerance in a given geographical area involved. The report shall be subject to future improvement and changes.
- Despite the amount of literature published on tolerance, including by the United Nations and its specialized organizations, such as UNESCO, which defines the concept of tolerance, its requirements and conditions, duties and responsibilities of individuals, states and governments, no agreement has been reached on indicators and specific tools for measuring tolerance. Tolerance cannot be measured by precise measures that can be codified and calculated according to mathematical formulas because it falls under human sciences, subject to judgment.
- Although the concept of tolerance has been internationally defined, and its general determinants and framework have been drawn, by being part of the human rights components, it intersects with those rights, particularly with civil liberties. Hence, we must follow the common thread to tolerance and those human rights which tolerance is a part of.
- Perhaps the professional and cumulative experience of RCHRS in the field of tolerance, gained through the center's work during the last decade, has been one of the factors encouraging the production of this report, which carries a degree

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of experimentation regarding indicators and parameters, and even with regard to cases examined in the report, hoping that it will be a starting point for the creation of future measurement indicators.

## **Definition of concept of tolerance**

Tolerance is a social phenomenon which has experienced intensification and developments and suffered setbacks as a result of many political, social, economic, cultural and intellectual conditions affecting peoples and nations. Therefore, the concept of tolerance is still controversial and debated, which makes the process of defining it, clearly outlining it, separating it from other concepts a difficult task. A number of researchers attribute this to the manifold uses of the concept in politics, religion, culture and philosophy, to the development in use of the term and, sometimes, to the fundamental difference between the historical use of the concept of tolerance and its human rights interpretation.

Many believe that the concept of tolerance is based on a vertical relationship between two tolerant individuals, i.e., a person who gives up his right to another person, which implies that there is a moral difference between the two. This gives a negative connotation to the concept, makes it equivalent to grace and generosity. The gravity of this concept lies in its subjugation to desires and moods; when a person wishes to do so, he tolerates, when not he becomes intolerant. The concept, from a human rights angle, is based on the idea of acceptance of others who are religiously, politically, racially and sexually different, and respect of their rights and human dignity. To simplify the meaning, tolerance means accepting the differences of the others, whether in religion, politics, race or sex; it means allowing others to be what they are without forcing them to abandon their differences; it means that there should be no discrimination against them because they are different. Thus, the relationship is a horizontal one; it is an interactive relation governed by laws and not just by morality.

The concept of tolerance that we will adopt in this report is the concept contained in the Declaration of Principles on Tolerance adopted by the 28<sup>th</sup> session of UNESCO General Conference, (Paris, November 16, 1995), for two reasons:

- This definition of the concept of tolerance as contained in the declaration has summarized all definitions contained in the cultures of different peoples and nations and was drafted by UNESCO representatives;
- The declaration has transformed the concept of tolerance from a historic into a

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human rights concept, and made it one of the basic human rights standards.

The Preamble of the Declaration of Principles on Tolerance has specified the legal grounds upon which it has relied. These are: the United Nations Charter, the constitution of UNESCO, adopted on November 16, 1945, the Universal Declaration of Human Rights the International Covenant on Civil and Political Rights the International Covenant on Economic, Social and Cultural Rights the Convention on the Elimination of All Forms of Racial Discrimination the Convention on the Prevention and Punishment of the Crime of Genocide the Convention on the Rights of the Child the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and regional instruments, the the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief , the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Vienna Declaration and Programme of Action of the World Conference on Human Rights, the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development, the UNESCO Declaration on Race and Racial Prejudice, the UNESCO Convention and Recommendation against Discrimination in Education.

These international legal references in the preamble of the declaration have created a clear link between tolerance and human rights. They have transformed the concept of tolerance from a moral into a human rights concept, stressing its moral dimensions in the international law. These laws set by the international community, despite their high moral aims, have sought to codify the conditions and requirements of their achievement. The above references are not mentioned for the sake of going into details; rather, it is hoped they will help reach certain determinants to be used as measurements and indicators of tolerance in this report.

The modern concept of tolerance is based on human rights values and is an inherent part of these rights. The declaration has drawn the link between tolerance, human rights, democracy, peace and social justice, between their existing relations. It has linked the principles of tolerance to a set of international conventions and agreements related to human rights. By doing so, it has elevated tolerance from moral concept to one of legal value, which needs to be protected by the international community.

In its definition of the meaning of tolerance, the Declaration of Principles on Tolerance in its article 2 has includes the following elements:

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- Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty, it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.
  - Tolerance is not concession, condescension or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. In no circumstance can it be used to justify infringements of these fundamental values. Tolerance is to be exercised by individuals, groups and States.
  - Tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism and affirms the standards set out in international human rights instruments.
  - Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behavior and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others.

From the above, it is clear that the concept of tolerance includes the following factors:

- Acceptance, respect and appreciation of diversity of our world's cultures;
- Recognition of the universal human rights and fundamental freedoms of others;
- Tolerance is the key to human rights, political pluralism and democratic culture;
- Practice of tolerance means accepting that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It also means that one's views are not to be imposed on others.
- Rejection of social injustice.

Within the international community's efforts to stress the legal perspectives of tolerance, the Declaration of Principles on Tolerance has specified the duties of the state in implementing the conditions of tolerance. In Article 2, the declaration has specified these conditions as follow:

- Tolerance at the State level requires just and impartial legislation, law enforcement

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- and judicial and administrative process. It also requires that economic and social opportunities be made available to each person without any discrimination. Exclusion and marginalization can lead to frustration, hostility and fanaticism.
- In order to achieve a more tolerant society, States should ratify existing international human rights conventions, and draft new legislation where necessary to ensure equality of treatment and of opportunity for all groups and individuals in society.
  - It is essential for international harmony that individuals, communities and nations accept and respect the multicultural character of the human family. Without tolerance there can be no peace, and without peace there can be no development or democracy.
  - Intolerance may take the form of marginalization of vulnerable groups and their exclusion from social and political participation, as well as violence and discrimination against them.

## **Tolerance in local legislations**

“Tolerance” was not a word mentioned in the Basic Law of the Palestinian National Authority (Temporary Law) or in any other Palestinian legislation. However, the Basic Law expressly provided for the protection of fundamental human rights in many of its articles. It has stipulated that “the governing system in Palestine shall be a democratic parliamentary system based on political and party pluralism” (article 5). It also stipulated that “all Palestinians are equal under the law and judiciary, without discrimination because of race, sex, color, religion, political views, or disability” (article 9). And in article 10 it stated that “basic human rights and freedoms shall be binding and respected. The Palestinian National Authority shall work without delay to join regional and international declarations and covenants which protect human rights”.

These texts, as well as the declaration made by President Yasser Arafat before his return from Tunisia to Palestine, saying that the PLO is committed to international human rights treaties and conventions, obligate the Palestinian Authority to respect all norms of international human rights law. Abiding to these rules, protecting them and putting them into practice would mean advance towards establishing the values of tolerance within the society, and between the society and the state.

Claims that the Palestinian National Authority is not qualified to be party to these treaties and covenants do not exempt it from its commitment to their rule. Neither does the international community exempt armed groups (the military arms of the Palestinian factions) of their duty to adhere to those treaties and conventions in

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their behavior toward their members, toward other forces in the society and in their relations with the state.

## **Tolerance and prejudice**

The contraction of margins of tolerance in a society leads to the danger of prejudice and to the spread of a culture based on hatred, malice, abhorrence and denial of others and their rights, while expressing the new culture through behavior. The natural substitute of the absence of tolerance, the setback in its culture and in the reduction in the margins of tolerance lead to prejudice. Thus, declarations, treaties and international human rights covenants tended to draw a dialectical link between tolerance and prejudice. The more the society is tolerant the less prejudice and violence exist, and when the society resorts to violence, the space of tolerance becomes less significant. UNESCO, in the preamble to the Declaration of Principles on Tolerance, has referred to the rise in acts of intolerance, violence, terrorism, xenophobia, aggressive nationalism, racism, anti-Semitism, exclusion, marginalization and discrimination directed against national, ethnic, religious and linguistic minorities, refugees, migrant workers, immigrants and vulnerable groups within societies, as well as acts of violence and intimidation committed against individuals exercising their freedom of opinion and expression - all of which threaten the consolidation of peace and democracy, both nationally and internationally, and are obstacles to development. UNESCO *emphasized* the responsibilities of member states to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability, and to combat intolerance.

The preamble of the declaration has specified the manifestations of intolerance in forms of extremism, acts of violence and terrorism, hatred and aggression, racism and exclusion, marginalization and discrimination and intimidation, and drew the link between them and consolidating peace and democracy at the national and international levels, and the obstacles they form in the path of development.

## **A culture of non-violence**

Spreading a culture of non-violence is no longer an intellectual luxury today; it has become an urgent need to end cycles of violence between individuals, society and state, and at the level of the entire international community. Violence in the simplest form means the use of force to achieve legitimate or illegitimate goals. Here we must distinguish between violence used to infringe upon the rights of others, used to obtain gains in internal conflicts or to resolve internal conflicts, and violence

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people are forced to use to fight aggression. The use of violence by states to stop a similar act of violence, such as opposing external aggression, or the use of violence by the peoples to liberate their homelands is considered legitimate.

The culture of violence, accumulated through education, from the family, tribe, clan, political party, ideological theories, or from religious ideology or other ideologies, plays a key role in transforming peaceful social conflicts into violent ones. Perhaps, this transformation is the most serious issue facing peace. Resorting to violence, as much as it is an inhuman behavior, destroys the social fabric of the society and its liveliness, puts achievements at risks, and increases the level of discord between the conflicting individuals and groups alike. Therefore, the alternative to the culture of violence is a culture of tolerance, which opens the door wide to building a society based on respect for the right to life; a society which renounces violence and achieves equality without discrimination, respects human rights, social justice, solidarity and, consequently, leads to the acceptance of others, regardless of whether one agrees or disagrees with them.

Perhaps the most prominent virtue of tolerance is the suffering endured by tolerant people in accepting those who are different from them; tolerance carries a great deal of suffering. Tolerance means accepting differences as they are, not as we want them to be. Those who are different from us may have their own language, customs and behavior, different from ours. If we tolerate them, it means that we acknowledge their right to be different, even if this acknowledgment causes us suffering.

## **Parameters of tolerance**

Developing indicators to measure the state of tolerance in a society seems to be a difficult task, not only because it is part of human sciences tasks, but because tolerance is a new concept in the Arab culture. From the literature of international community, and based on the Declaration of Principles on Tolerance, we will try to derive some parameters of tolerance. These parameters are in no way definitive, but open to amendment and development. They may contribute to setting up a structure to help us prepare the report on the status of tolerance in the Palestinian society. These parameters will serve as headings of the report on tolerance. They are as follows:

### **Religious tolerance**

Religious tolerance is not limited to coexistence of different religions, in the sense

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that each religious group has the freedom to practise its own religious rites, and to abandoning religious intolerance vis-à-vis other religions; it goes beyond that, to mean acceptance of diversity and different interpretations within the same religion. Despite the fact that followers of all religions stress that all religions emphasize virtues, righteousness and fairness, and that they all call for fraternity, compassion, charity, and recommend safety, peace, harmony, coexistence and dialogue, we find voices within these religions inciting against other religions or other sects within the same religion. Religious intolerance, and its subsequent sectarian and ethnic intolerance, is the worst form of intolerance, and the source of all kinds of extremism and fanaticism. The gravity of this form of intolerance stems from the sacred nature it assumes using religious texts to incite hatred against others who are different, inciting simple-minded believers who follow the sacredness of the text without having the capacity to interpret it.

The religious rhetoric in the Palestinian society, often based on single-sided and partial understanding of religious text, has in many cases led to positions which fed hatred and rancor, giving unrealistic perceptions and unfair and inhuman interpretations of many facts. This rhetoric has often adopted a negative view of the society, describing it as deviation, ignorance, debauchery, disobedience, corruption and decadence. This negative view has been, and still is, the justification given for the existence of these movements within the society. These movements believe that the society has lost its way and it should be redirected to the righteous path; it is rebellious and must be punished, corrupt and should be reformed, and morally degenerated and must be saved.

## **Political tolerance**

The absence of political tolerance is one of the most serious problems suffered by peoples and nations, because politicians aspire to reach power and authority and they have the tendency to monopolize this power and authority. This inhuman tendency causes conflicts that might reach the level of crimes against humanity. The absence of political tolerance has brought many disasters to the peoples and nations of the earth. Arab people have paid a high price because of the absence of political tolerance. The recognition of the principle of political pluralism and the consolidation of a political culture based on accepting differences in opinions, making such differences a natural right of all citizens and the belief in peaceful circulation of power through ballot boxes would help put an end to violent and intolerant tendencies in the society.

Acknowledging the right to freely organize in political parties, freedom of belief and

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of being different, of religious, political and cultural pluralism means recognizing and acknowledging that people have different perceptions, different ways of thinking and different ways of acting. Article 1 of the Declaration of Principles on Tolerance (paragraph 3) stresses that “tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism and affirms the standards set out in international human rights instruments”. Hence, tolerance in the cultural domain is part of tolerance in other domains, except that it stresses the possibility of coexistence even if there are cultural differences. For that reason, differences between states’ cultures should not be used to justify conflicts and hostilities.

Tolerance in politics means recognition of others, whether minority or majority, and of their right to work, organize and promote their political ideas, away from any suppression or pressure exercised against them. The prevailing pattern of political culture is considered restrictive to tolerance; when a culture advocates coping with existing realities, the probability of political intolerance increases, and vice versa. When the individual feels he is more politically effective, and hence less excluded, he tends to be more politically tolerant because political effectiveness leads to greater political participation and this participation in turn contributes to the promotion of political tolerance. Some researchers have made a link between intensification of ideological conflicts in the society, thus the realization of the fact that there is a greater political danger, and tendency towards political intolerance. In times of political tensions and serious ideological conflicts, individuals’ and groups’ awareness of political dangers increases, leading to high rates of political intolerance.

With these parameters in mind, some of the concepts of political intolerance could be specified as follows:

- Lack of objectivity, generalization and simplification.
- Basing oneself on a set of stereotypes, ready-made classifications, sharp and polarizing judgments.
- Arises in a cultural and social context which leads to its adoption to a certain extent
- Directed against a particular group or persons by virtue of their membership in the group.

## **Social and economic tolerance**

The most prominent social determinants, according to researchers, are education,

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age, religion, social status and living in urban areas. All these factors are positively linked to tolerance, with the exception of religion. Some researchers have made a positive link between being religious and regularly visiting worship places, and intolerance, regardless of the type of religious sects and streams; the difference is only in the degree of this relationship.

Social tolerance is the explicit recognition of the right of members of a certain society to have different tribal, ethnic, language and religious affiliations, provided that these affiliations do not impact on peoples' belonging to one nation and one state. The quest to establish this principle in some countries suffers some difficulties, but in the Palestinian society, it may seem less acute. At the level of tribal fanaticism, it is clear that Arab societies, including the Palestinian, suffer from such fanaticism; this is a reality which poses a great danger, especially when tribal values, rather than civic values, gain more respect and govern the behavior of people. The first set of values will have serious, dangerous consequences on the concept of tolerance; they force the individual to choose between two: either you are with me or against me; in times of conflict, national loyalty and social tolerance become some kind of fiction.

Societal perception of women is one of the most important elements of tolerance. Women still have low status, and they cannot reach that of men!! They have "less reason and less religion"!! Thus, they have little creativity in the various fields of life. They are weak beings who cannot successfully work or assume senior leadership position requiring hard work. The result is contempt for women and lack of tolerance toward them, thus rejection of women's work. Moreover, the laws in many countries in the region discriminate against women, particularly with regard to inheritance and punishment under the pretext of the so-called honor crimes.

International human rights conventions and agreements have made a link between achieving social justice and peace, on the one hand, and lack of social justice and violence, on the other. Article 2 (paragraph 1) of the Declaration of Principles on Tolerance draws the link between guaranteeing justice and the impartiality of legislation, law enforcement, judicial and administrative process, and economic and social opportunities that have to be made available to each person without discrimination, and between hostility and fanaticism. Article 1 (paragraph 4) of the declaration stresses that tolerance does not contradict respect for human rights. It does not imply tolerating social injustice or abandonment or weakening of one's convictions.

The report of the UN Economic, Social and Cultural Organization, Social Tolerance in the Palestinian Authority Territories

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Development Commission, in its 38<sup>th</sup> session (New York, February 8-18 and March 14-17, 2000) stressed that social integration is a prerequisite for creating harmonious, peaceful and inclusive societies for all people. The promotion and protection of all human rights and fundamental freedoms, promoting a culture of peace, tolerance and non-violence, respect for cultural and religious diversity, the elimination of all forms of discrimination, achieving equal access to productive resources and participatory governance are important elements for social integration. The lack of access to education, persistence of poverty, unemployment and inequitable access to opportunities and resources causes social exclusion and marginalization.

There are two levels of social tolerance: a state level – a tolerant state toward its citizens does not discriminate between them on any basis; individuals and groups level – tolerant individuals and groups recognize diversity, accept it and use peaceful means to resolve their differences with people who are different from them.

## **Freedom of belief and the right to be different**

Freedom of belief and the right to be different are the cornerstone principles and values of tolerance. If this condition exists, other conditions for tolerance will also exist. Article 1 (paragraph1) of the declaration states that “tolerance is respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief”.

Paragraph 4 of the same article states that “one is free to adhere to one’s own convictions and accepts that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behavior and values, have the right to live in peace and to be as they are. It also means that one’s views are not to be imposed on others.”

International conventions and agreements have stressed this right. Article 18 of the Universal Declaration of Human Rights stipulated that “everyone has the right to freedom of thought, conscience and religion”.

Article 19 of the Universal Declaration stipulates that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference”.

Differences in religion, and differences in opinion, have led to devastating conflicts throughout history. In search of the roots, emergence and evolution of the concept

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of tolerance, we discover that it has started to be shaped in the wake of bloody wars between the supporters of Catholic and Protestant supporters in Europe. This emphasizes the important role of faith in identifying societies' trends toward tolerance, or intolerance and violence.

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## Part Two

# Sate of Tolerance in the Palestinian Authority territories

### First: **Religious Tolerance**

“Islam is the official religion in Palestine. Respect and sanctity of all other heavenly religions shall be maintained.” (Article 1, paragraph 1, the amended Basic Law of the Palestinian National Authority).

“Freedom of belief, worship, and performance of religious rituals are guaranteed, provided that they do not violate public order or public morals.” (Article 18 of the amended Basic Law of the Palestinian National Authority).

### **Mobilizing religion**

Religion in the Palestinian society plays a major role in shaping the opinion of the vast majority of the society’s members. When the Islamic Resistance Movement (Hamas) came at the forefront of resistant movements and political activism in the Palestinian territories, at the end of 1980s, challenging the Palestinian Liberation Organization in the representation of the Palestinian people, the use of religion in the Palestinian political rhetoric increased as a form of competition between the components of the political system in the Palestinian territories, and as a catalyst and mobilization element. The rhetoric of the Palestine Liberation Organization forces became similar to that of Hamas in some cases, having the same tone in others. In subsequent years, the religious nature (Islamic and Christian) has become officially established in the framework of political and national coordination. Some carry the name of Higher Committee of National and Islamic Forces, others Islamic-Christianity Front.

The use of religion in politics did not stop at that point. At times of political conflict and polarization, almost all the components of the Palestinian political system resorted to the use religion, albeit to varying degrees, in their political rhetoric. Even secular components of this system resorted to the use of religion in their rhetoric, through the use of “Bismillah”, Qoranic verses, the Hadith, by praying in a mosque or attending a martyr’s funeral. The secular political component, or writers and intellectuals who are considered secular, did not hesitate to use religious rhetoric to

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challenge the one used by Islamists. Our main concerns regarding such practices stem from the way these forces used religion, relied on it, adopted it in order to influence the mood of the people, compete with the political Islamic stream and playing the game according to the rules of these streams, especially as Islam is not part of their dogma or political ideology.

In this context, and in the wake of the decisive military gain in Gaza Strip by Hamas, on June 14, 2007, Fateh and other Palestinian forces members of the PLO took a new step, further in exploiting religion in the conflict, with the aim of embarrassing Hamas. The Fateh Movement attempted to bring people to pray in the courtyards of mosques during Friday prayers in the Gaza Strip, as part of its struggle with the Hamas, which in turn used excessive force to disperse demonstrations that were organized after each Friday prayer. The discharged government banned holding Friday prayers outside mosques in order to put an end to demonstrations organized after these prayers.

On September 4, 2007, the discharged government headed by Ismail Haniyeh decided to prevent holding Friday prayers in public squares in the Gaza Strip, as advocated by Fateh and the PLO factions, like, for example, those which were held on August 31, 2007, and were followed by protest marches and arrests. Taher al-Nono, spokesman for the discharged government, said in a statement that the government “has decided to ban any gatherings using Friday prayers as a pretext for inciting chaos, discord, riots and terrorism”.

The scene was different in the West Bank and in Ramallah, with the Palestinian President Mahmoud Abbas and Prime Minister Salam Fayyad praying in the main yard of the Muqata’a. Mahmoud al-Habbash, minister of social affairs, led Friday prayers and devoted his sermon to the situations in Gaza Strip and the “putschists and separatists who will be defeated as a promise from God”. In his Friday speech, broadcast by the Palestine Television, he said, “may God damn you” [the insurrectionists], accusing Hamas of acts of sabotage of God’s houses, spreading distorted ideas, undermining the Palestinian Authority, turning against it, violating the sanctuary of graves”, thus using all types of scandalous accusations. Observers described this prayer as the first of its kind in the Palestinian territories, where Palestinian worshippers ask God to curse fellow Palestinians.

In the period covered by this report, politicization of religion continued. In some cases, the use of religion was more like caricature. For example, the media spokesman for Fateh movement in the West Bank, Jamal Nazzal, issued a list of nearly 60 people who carry the name of Prophet Mohammad and said that

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“ Hamas has killed them in Gaza on the day it seized power through elections held in December 2006, and until the day it took over power in Gaza by the use of force, on July 13, 2007”. He added that “ the list of victims is only a small part of a bigger list of people murdered by Hamas during the said period, reaching up to 404 persons from among Fateh members or from among the Palestinian security forces.

This use of religion is meant to make the public opinion of religious people turn against Hamas and to incite them against the movement; the instigation completely contradicts the principles of tolerance. What Nazzal wished to show is that although Hamas claims to behave according to Islamic values and ideology, it killed people who carry the name of the prophet and God’s messenger. The cynical side of this rhetoric is that in the midst of a raging armed conflict, would Hamas refrain from shooting any person who carries the name Mohammed? Would Fateh members not kill Hamas members who carry the name of Mohammad or would they not point their weapons at a person with the name of Mohammad while he would be aiming his gun at them? Mohammad is one of the most common names among Palestinian Muslims, being the name of their Prophet and Messenger. Thus, exploiting religion in such a cartoon-like way was clearly intended only at inciting people against Hamas and showing people the falsehood of the movement’s Islamic principles!

In an attempt to use religion to achieve political aims, the Palestine news agency Wafa published, on May 4, 2008, a piece of news saying that Fateh honored in the North Gaza Region, 9-year-old Mohammad Umran Abu Warda, because he has memorized the whole Holy Quran. The piece of news added that “ a delegation from the North Gaza Region leadership and from martyr Jamal Abu Warda area visited the child’s house in Jabalya town and gave the child a symbolic gift to honor him and his parents and to encourage the child who reached such a virtue”. Jamal Ubaid, secretary general of North Gaza Region said that “ Fateh movement has been, and continues to work as much as possible to encourage children to memorize the Quran and to abide by its teachings”. He added that “ the movement seeks to entrench genuine virtues in the Palestinian society and that it does not advocate religious principles while it practises satanic acts in the name of religion; religion is completely guiltless of these acts”.

“ The movement will organize competitions for memorizing the Quran, Tajweed (slow recitation of the Qur’an) and Tarteel (fast recitation and interpretation of the Quran, away from partisan defamation in actions or by words,” said Ubaid.

The analysis of this rhetoric shows that it carries a political message. It did not refer explicitly to Hamas, but there is evidences that it is hinting at it by mentioning

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“memorization of the Quran and abiding by its values”; “consolidating real virtue and not only advocating religious principles while practising satanic acts in the name of religion; memorizing the Quran, Tajweed, Tarteel and interpretation of the Quran, away from partisan defamation in actions or by words”.

In a related development, the Palestine News Agency Wafa broadcast news on May 17, 2008, stating that more than 20 worshippers, including the imam, were injured “when the outlawed Hamas militia” attacked Sheikh al-Albani mosque, where Sunnah and al-Kitab group practise their activity in Jabalya refugee camp, in northern Gaza Strip. It quoted eyewitnesses as saying that “Hamas militia has attacked worshippers at prayer time, assaulting and beating them with rods and rifle batons, shaving their hair, spitting on their beards and expelling them by force from the mosque”. It added that Abdel-Halim Awad, the imam of the mosque, was taken to hospital for treatment.

The other party was not different in the way it used religion to advance its interests. The administration of Gaza Central Prison (al-Saraya), under the Ministry of Interior of the discharged government, announced that it would lessen prison sentences of any prisoner who memorizes the Quran in one year. The Palestinian Dunia al-Watan, the website of the Executive Force, said the chief of the prison said that this step comes within the framework of encouraging prisoners to memorize the book of God. He pointed out that the prison administration has tasked the preaching and guidance committee to follow up on this issue.

On May 25, 2008, Hammad al-Raqab, Hamas spokesman in the town of Khan Younis, denied the incident reported in a statement issued by the Palestinian Center for Human Rights about the storming by masked gunmen with bands on their foreheads saying Martyr Izz al-Din al-Qassam Brigades, of the Youth Club in Khan Younis, taking control of it. The spokesman said that members of the club repeatedly demanded holding elections, but the management refused and continued to “implement a partisan agenda in the club, above all preventing worshippers from performing Eid prayer on the club premises”.

The use of religion to serve political aims is not only limited to Fateh and Hamas only; it has also been used by Hizb ut -Tahrir. In April 2008, Hizb ut-Tahrir demanded the closure of the ‘Association of Women for Life’ in the town of Bidya. The party accused this women’s association of “implementing a foreign demoralizing agenda. For this reason, the party has warned people against the association through teachings in mosques. Afterwards, a delegation from the town went to the municipality and delivered a letter signed by Bidya town leaders and notables demanding the closure

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of the association". Following this incident, four members of the party from the town of Bidya were arrested. On April 22, 2008, the magistrate judge dropped the lawsuit filed against them and ordered their release on the grounds that their case is a political and not a criminal one, as they were organizing "some acts of propagating virtue and preventing vice in a peaceful and civilized manner"; the governor of Salfit continued to detain them, according to Hizb ut-Tahrir statement.

With their continued detention, Hizb ut-Tahrir issued a statement, adding that "the five continents know the solid stances of Hizb ut-Tahrir youth in defending Islam and its principles and of their efforts to establish an Islamic state – the Caliphate state. They all know that we propagate virtue and prevent evil, even if this will lead us to martyrdom. The governor is part of an authority whose humiliating position, and subordination to the Jews and to all infidels of the world everyone knows; spying on the people of Palestine, arresting the mujahideen and handing them over to the Jews, selling the country and worshippers for earthly gains, and last but not least protecting and sponsoring demoralization and all kinds of evil. These words, having been said by the governor of Salfit (the honorary president of the women's society), reflect the PA's standards of good and evil, and the way it perceives things; it explains why the most prominent achievement made by this authority in its early days was the inauguration of the famous 'landmark' of Jericho Casino".

On May 7, 2008, and related to the same case, Hizb ut-Tahrir issued another statement carrying the following title: "If you are not deterred by shame then do as you please". The statement said that "the Palestinian Authority arms its bunch of awbash [riff-raff] with weapons while Jews watch", saying that "the released Liberation Party youth who were detained on Bidya charges have announced that they will be receiving well-wishers in the yard of the Grand Mosque in their hometown, on Monday, May 5, 2008. Delegations came from various towns and northern villages. The Palestinian Authority was not happy to see this, and so it sent its bunch of awbash (in civilian clothes) to create chaos during this event. One of these awbash interrupted a speaker but he did not succeed in creating troubles, so others attempted to fire their guns into the air to create confusion. Moreover, they made noises to create chaos and said insulting words that only could be said by riff-raff. This was not surprising to Bidya people who know them well and know their history."

The statement added that "the PNA has lost all its intellectual capacity and cannot challenge the party and its youth on the intellectual level. It has lost the battle on the legal front when it was proved that it was detaining the youth as hostages under no legal justification. It has lost at moral level too, becoming a wing for

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disbelievers, fighting Islam and Muslims without any restrictions or limitations. Without any shame, it has resorted to Mafia and gang methods to create confusion during the reception held by the released party's youth".

The rhetoric of Hizb ut-Tahrir's reflects a clear picture of the lack of tolerance in the two cases mentioned above, related to the "Association of Women for Life" and its response to the position of the Palestinian Authority. The rhetoric shows an intolerant stand towards women by accusing the association's activities of corrupting morals and implementing a foreign agenda. It also reflects non-tolerant rhetoric with regard to PNA, when it says that "everyone knows its humiliating position and its subordination to the Jews and to all infidels of the world; spying on the people of Palestine, arresting the mujahideen, and handing them over to the Jews, selling the country and worshippers for earthly gains, and last but not least protecting and sponsoring demoralization and all kinds of evil."

In this report, we aim to highlight the effects on tolerance of the use of religion in politics. During the last two years, with Hamas reaching power and facing many crises, Hizb ut-Tahrir attempted to present itself as the alternative to political Islam represented by Hamas. Founded in 1953, Hizb ut-Tahrir began to be significantly active among the Palestinian population, in an unprecedented manner, organizing mass rallies in major cities in the West Bank (Ramallah and Hebron) and in Gaza Strip (Rafah) and panel discussions, and carrying out activities in the name of "propagating virtue and preventing vice".

Acts of "promotion of virtue and prevention of vice" by Islamist groups were not always limited to "jadilhum billati hiya ahsan" (discussion using strong arguments) but went further, using accusations and intolerant rhetoric against targeted people. Upon examination of Hizb ut-Tahrir's statement targeting the Bidya Women's organization in specific, accusations can be found, describing the organizations as "having a foreign agenda to corrupt people's morals". The party describes acts committed by its young people as part of the endeavor to "promote virtue and prevent vice"; hence, the activities undertaken by the organization are demonstrations of vice that should be fought as per the party's creed.

This fundamentalist rhetoric lacks any form of tolerance; it can match tolerance neither in words nor deeds. It is a rhetoric that rejects those who are different; it claims that it possesses the absolute truth by issuing verdicts and judgments, like in the case of the said organization. The danger of such rhetoric lies not only in the fact that it mixes religion, religious interpretations and the party's own interpretation but also in the fact that it exploits popular religious consciousness to incite people

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to fight what it perceives as evil that affects the society and provokes them against those who are different. A party considered as an expression of political Islam which presents itself in such a manner raises many question marks about its ability to accept those who are different in the future, and on the future possibility of coexistence.

In the theoretical framework of this report, it was indicated that, despite the fact that all religious groups stress the heavenly source of their religion, that they all call for and emphasize virtues, righteousness and fairness, many supporters of these groups use incitement against other religions and sects and, in some cases, accuse others of being infidels, as mentioned earlier. While this report acknowledges that the level of religious tolerance is much better than that of political tolerance in the PA territories, many Friday prayers preachers do not miss the opportunity to attack other religions and sects belonging to the same religion. The use of mosques to spread a culture of hatred against those who are different allows fundamentalists to become more fanatic, increases the number of fanatics, and totally contradicts the values of tolerance. This reference to the use of mosques is important because Muslims are the vast majority in Palestine and because the same prayer is usually repeated in most speeches, and in all mosques. If the practice of tolerance is an obligation for all groups, the main burden rests on the strongest, and the group that forms the majority in Palestine is that of Muslims.

The use of religion in politics and conflicts to advance political and social interests has contributed to the fuelling and exacerbating of internal discord. It has negatively contributed to the creation of an intolerant situation in the Palestinian society, especially among opponents. Those who exploited religion, irrespective of the party, did not employ it to achieve fraternity, compassion, tolerance, justice, mercy, or to maintain the sanctity of human life; rather, they used it for political purposes. This obliges us to search for viable ways to prevent such use in order to keep religion safe from partisan conflicts.

## **Relations between religions**

In the wake of the decisive military solution in Gaza Strip, Christian Palestinians did not hide their fear of being harassed by Islamic fundamentalist groups. These fears were only heightened by the attack on the Sisters of the Rosary School and Latin Monastery Church in Gaza City, which were looted and burnt immediately after the military solution. Fears also escalated with the murder of 31-year-old Rami Ayyad, on October 8, 2007. Despite attempts by non-Palestinian parties to use these crimes to show that a Muslim war is fought against Christian Palestinians, representatives

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of the churches (Orthodox, Catholic, Evangelical, Lutheran and Anglican) issued a joint statement in East Jerusalem on October 9, 2007, denouncing the deliberate killing of Ayyad, and praised the Islamic political and religious authorities for their support and condemnation of the crime. They called on all to seriously take into consideration the rise in fundamentalist streams threatening the whole Palestinian society, be they Muslims or Christians. They also called upon “everybody to join hands so as to resist fundamentalism and for greater awareness by Christians and Muslims alike to learn how to respect their fellow Muslims and Christians”.

While dealing with such crimes as isolated cases that do not amount to an anti-Christian phenomenon, fears of increased hostilities against Christians and their public and private property were legitimate, especially that several Internet cafés, hairdressers’ and other shops were attacked because those who committed the acts believed that such places contradicted the teachings of Islam.

Hamas and the discharged government condemned the attacks targeting Christian Palestinians and their property. Hamas was not charged with any accusation, except that it was not performing its duty as a caretaker government to stop these attacks, prosecute perpetrators and bring them to trial. Before, there were no fears that Hamas members would perpetrate attacks against Christians; what was feared was the emergence of extremist fundamentalist groups seeking to implement their visions and impose their agendas on the Palestinian society as a whole; in this case, Christian Palestinians would be one of their targets.

During the period covered by this report, several attacks on Christian institutions were reported. The manner in which the attacks were dealt with reflected a sense of tolerance, especially on the part of those who suffered from the attacks. On February 15, 2008, YMCA premises in Jala’ Street, in the center of Gaza, were attacked, with more than ten unidentified gunmen, some masked, broke in. They detained the gatekeepers, handcuffed them at gun point and took the keys of the association and two mobile phones. Attackers broke into the administration offices, tampering with the furniture and documents, and into the library building. An explosion in the YMCA library building fully destroyed it. The library contained over 8,000 books, many donated by children. It was an important cultural landmark built over tens of years to serve different age groups and hundreds of beneficiaries.

Commenting on the attack, Bishop Attallah Hanna, the Archbishop of Sebastia for the Roman Catholic church, denounced the assault against YMCA in Gaza. In a press statement, Attalah said: “Suspicious factions are behind this attack aimed at creating religious tensions and threatening the national unity of the people.” He

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added that “we seriously consider these attempts against Christian institutions in Gaza as a danger”, stressing the importance of rejecting such malicious acts and responding with responsibly and wisdom to those who stand behind them, “people who do not take into consideration the interests of the nation and its reputation, and the unity of the Palestinian Muslims and Christians”. He stressed that “Islamic and Christian relations have been and remain a source of honor and pride to us”, adding that these acts can be faced through more awareness and by strengthening and consolidating Christian and Islamic relations in Palestine. He called upon clerics and scholars to “use churches and mosques to spread the spirit of brotherhood, love and unity among the nation’s people, stressing that the Christian-Islamic relations will remain firm and strong in spite of the handful suspects who are serving agendas alien to our culture and customs, and which do not serve the interests of our people”. (Palestine News Agency February 16, 2008)

On February 21, 2008, several armed men attacked and beat two guards of al-Manara School in Gaza. The raid at the school, located in Al-Zaytoun neighborhood, Gaza City, was conducted by masked gunmen. The attackers demanded from the gatekeepers to open the school. They attacked one of the guards and threatened the other with punishment is case the two continue to work for the school.

On May 16, 2008, unidentified gunmen bombed the door of the Zahwa Rosary school in the area of Tal al-Hawa, in the center of Gaza City, after placing a bomb at the entrance of the school. The bomb exploded causing damage to the building but no injuries. The Ministry of Interior of the discharged government condemned the attack on the school and considered it as aiming to ruin brotherly relations among Palestinians. The ministry said that “those who stand behind the attacks are suspicious factions who have no conscience; they want to create tensions, harm the national unity of the people’s of the one nation; they are people who do not care for the interest of the country, its reputation, and for the unity of Christian and Muslim Palestinian people, and they aim at shaking security and stability”.

The Presidential Commission for Christian Affairs also condemned and denounced the bombing, saying that “the repeated attacks targeting Palestinian national institutions, especially the Christian ones, in the Gaza Strip since the day of the criminal coup against the Palestinian legitimacy, have become a source of great concern to the presidency and all the Palestinian people”. The statement pointed out that “such acts affect the spirit of pluralism, tolerance and brotherly coexistence between the sons of the Palestinian society, which existed ever since divine religions came to region. This disgraceful criminal act gives a negative sign and reflects a sick mentality; in no way does it reflect the values, the heritage or the spirit of

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our Palestinian society, based on firm love and harmony prevailing throughout history”.

On May 31, 2008, armed attackers again broke into al-Manara School in Gaza City. The assailants tied down two school guards and beat them before stealing a Volkswagen bus belonging to the Palestinian Bible Society. A similar attack on the school took place on March 21, 2008, by unidentified men.

Commenting on this attack on (May 31), the Palestine News Agency Wafa published an article under the title “Masked armed men attack Christian school in Gaza”, saying that “unidentified armed men killed, less than one year ago, Rami Ayyad, one of the workers for the Christian Palestinian Bible Society”, adding that attacks on Christian organizations had increased during the previous year, especially after Hamas was able to spread its control over Gaza Strip by force, on June 14, 2007. Hamas said that it had detained a number of people who attacked Christian institutions, but so far, it has not sent any of them to trial. The continued attacks on Christian institutions and minorities in the strip have been met with wide popular discontent and with condemnation from civil society organizations and major factions in the strip. All factions demanded that Hamas declare the names of perpetrators. However, Hamas seems incapable of putting an end to this phenomenon, causing concern to the Palestinian society and fears among Christians in Gaza, who number 3,000 citizens (the Palestine News Agency, June 3, 2008).

The use of news related to this assault, as published by Wafa, carries a disguised political incitement against Hamas, portraying a religious dimension. The assault may be a criminal one with the aim of theft. This issue cannot be judged without carrying out a neutral investigation. The agency said that its news came from legal sources and added that “one of the armed men called, from a mobile phone, the president of the Bible Society, Hanna Mikhael, warning and threatening him, saying ‘beware’!!” The agency added that the two guards said that they were not the target, but the armed men said “we are coming after Hanna Mikhael and John Clark”, the former American president of the Manara School who left the strip two years ago and did not return.

In reviewing the legal sources on the attack, only one statement was found issued by the Palestinian Center for Human Rights on this topic. The Center did not mention anything about the telephone call to Hanna Mikhael. The agency might have contacted him, and it is its duty to do so, but it should say so, instead of refusing to specify its source of information. Analyzing the agency’s news about one of the most sensitive issues of the Palestinian society that could be used by external

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forces which, in turn, could exploit it for political purposes, it is clear that it comes within the framework of campaigns claiming that Palestinian Christians are being persecuted by Muslims in the Holy Land. The use of this incident is dangerous in all cases.

## Seconded: **Political tolerance**

Palestinians shall have the right to participate in the political life individually and in groups. They have the following rights in particular :

- to establish and join political parties, in accordance with the law;
- to establish unions, guilds, associations, societies, clubs, and public institutions, in accordance with the law;
- to vote and nominate for election their representatives by ballot, in accordance with the law;
- to hold public office and positions, in accordance with the principle of equal opportunities;
- to conduct special meetings without the presence of police members, and to conduct public meetings, processions, and assemblies, within the limits of law (Article 26 of the amended Basic Law of the Palestinian National Authority).

In the theoretical framework of this report we have indicated that tolerance in politics means recognizing the other, regardless of being a minority or a majority, and of his right to work, organize and promote his political ideas, away from any suppression or pressure exercised against him. We have also attempted to specify some of the elements of political fundamentalism: governance lacking objectivity and characterized by generalizations or imbalanced simplification, based on stereotypes, judgments and polarization. It appears in a certain cultural and social context exerting a pull effect to a certain extent, and it is directed at certain groups or persons belonging to these groups.

In analyzing the status of political tolerance in the Palestinian Authority territories, it seems that those elements are present in the Palestinian political rhetoric prevailing during the period covered by this report; the same is true when analyzing the practices that have dominated the relationship between the components of the Palestinian political system. The latest resort to the military to resolve the conflict in the Gaza Strip has created a huge rift between the two major parties in the country, with each imposing its full control over a certain geographic area separated from the other. Hamas is fully in control in Gaza Strip, and Fateh, and the Palestinian

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security apparatus in the West Bank, mainly formed of members of Fateh and its allies, took control of the West Bank as the Palestinian Authority apparatuses. The new reality has led each party to completely reject and exclude the other, both in the West Bank and in Gaza Strip. The conflict between the two sides has not been limited to the two parties to the conflict, it also affected all the components of the political system to a certain extent.

A study in the quarterly "Tolerance" magazine, in its eleventh issue, published by the Ramallah Center for Human Rights Studies on the role of party-affiliated media in fuelling internal conflicts, indicated that the Palestine News Agency Wafa, the official agency of the Palestine Liberation Organization and the PA, usually presented news in a very biased manner, assuming preconceived positions vis-à-vis Hamas. It has even used terminology that would stir hatred against the movement, such as: Hamas coup militias; outlawed Hamas gangs; the coup authority in the Gaza Strip; insurrectionists; the black bloody coup against the national legitimacy; the bloody coup; Hamas coup; the immoral act; the executive force of the coup of the Hamas Movement; in addition to many other terminologies used in the news for the acts committed by the discharged government in the Gaza Strip, by Hamas and the Brigades of Sheikh Izz al-Din al-Qassam affiliated with the movement or the Executive Force of the Ministry of Internal Affairs in the discharged government.

According to the same study, the Palestinian Media Center (PMC), defining itself as neutral, adopted Hamas' viewpoint in its war against Fateh, the Palestinian government in Ramallah, and the presidency. The center presented its news, reports and analyses in a biased way, assuming preconceived stances against the other party and spreading hatred against it. The use of terminology like: Ramallah lineup, Al-Muqata'a authority hiding in Ramallah; the leader of the traitorous movement Fateh; security forces of President Mahmoud Abbas; President of Fateh Authority in the Muqata'a, in Ramallah; and other terminology used in reports and news broadcast by the center.

In analyzing the media rhetoric vis-à-vis the parties to the conflict, essential for detecting the features and orientations of the political discourse, the study noted that the media rhetoric carried a great deal of intolerance, rejection of others and lack of tolerance. On more than one occasion there were even calls for murder; a language of mistrust has dominated the rhetoric of the two parties to the conflict and there isn't the slightest doubt that such rhetoric only deepens the culture of violence and hatred among the parties to the conflict, thus narrowing the space of political tolerance.

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The current phenomenon of political intolerance has started to appear in the period following the victory of Hamas in the legislative elections, held in January 2006, and its striking results in the local councils' elections, especially in major cities such as Nablus, al-Bireh, Jenin, Qalqilya, Rafah. After Hamas' huge success, Fateh started to feel that it lost its leadership role, a role it had maintained for over four decades, and thus it felt that its interests were at risk. Such being the case, Fateh started to actively obstruct the work of the first government formed exclusively by Hamas. The government of national unity formed after the Mecca agreement to bridge the gap between the two movements failed, and no success was registered in bringing about more tolerance between the two conflicting parties. This failure led to the military confrontation between the two movements in the first half of June 2007 in Gaza Strip, after which Hamas took complete control of Gaza.

In the wake of the military solution, Hamas continued its prosecution of Fateh leaders, cadres and supporters. The Fateh Movement tried to bring the conflict to the West Bank, with its armed wings members, at the time committing a series of retaliatory acts against Hamas leaders, cadres and institutions affiliated to the movement. Kidnappings and revenge murders broke out, but were at a later stage controlled when the Palestinian security forces in the West Bank took the responsibility of pursuing Hamas members, arresting and investigating them for charges of membership in the executive force of the discharged government and possession of arms. The year 2008 started under such conditions.

## **Manifestations of political intolerance**

### **■ Intolerant rhetoric**

Analyzing the political rhetoric that prevailed in the first half of 2008, one notices that the most prominent feature in the rhetoric of parties to the conflict is the absence of objectivity, sweeping generalization, repetitions and ready-made classifications, and prejudices. Despite the fact that the two parties started a dialogue for reconciliation during March 2008, due to Yemeni efforts, such rhetoric did not change during this period. A thorough analysis of the Palestinian political rhetoric during this period will not add anything new to these findings. Hence, we believe that it would be adequate to discuss two models of this rhetoric.

On February 16, 2008, the Palestine News Agency Wafa published a statement issued by the official presidential spokesman saying: "Hamas Movement is used to fabricating and inventing cheap stories and lies, the latest being the announcement made by Saeed Siam in his press conference in Gaza this morning when he declared,

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in a comic drama, an assassination attempt on the life of Ismail Haniyah, bringing some indoctrinated persons to say what they were taught to say. These have alleged that the secretary general of the presidency, the director general of the intelligence and some cadres had planned to assassinate Ismail Haniyah, claiming that there are contacts, letters and promises. Hamas Movement, traditionally repeating lies and fabricating stories while attempting to give evidence by any means, torture and maltreatment being part of these methods, has completely lost its credibility when it got involved in shedding the Palestinian blood and broke all taboos and national values. These lies are no more convincing to anyone, but they only make our hearts more reassured that Hamas is not only an outlaw movement but also a movement that does not respect values, traditions and customs.”

The spokesman stressed that “the presidency has other issues of utmost importance to deal with day and night to ensure meeting the needs of our people and lifting the siege and isolation imposed on them, and these issues are far more important than such cheap and frivolous attempts”.

This rhetoric, coming from the spokesman of the presidency, not from a media spokesperson on behalf of a political party, reflects lack of tolerance. It is full of descriptions of preconceived perceptions (“fabricating and inventing cheap stories and lies”; “used to telling lies and fabricating stories”; “shedding Palestinian blood”; “breaking all taboos and national values”; “not only an outlaw group but also one that does not respect values, traditions and customs”; “cheap and frivolous attempts”).

Away from analyzing the words mentioned in the said statement, one should note that Hamas is part of the official Palestinian political system, and it was not classified as an outlaw movement by the PA. Had it been such a group, how could the PA start a dialogue with the movement in the Yemeni capital Sanaa, only a month after issuing the above-mentioned statement? Groups that were banned under the presidential decree issued in this regard were “unofficial militias and military or paramilitary armed formations, regardless of their allegiance”, rather than political parties. Hamas is not a banned political party and was described as an outlawed group only to incite people against the movement.

On the other hand, Hamas issued, on May 11, 2008, a statement about the arrest by the Palestinian security services of the wives of two Palestinian citizens detained by Israeli occupation forces and affiliated with the movement. In its statement, Hamas said that the security forces of Mahmoud Abbas stormed the house of the two persons captured by the occupation forces, Riyadh al-Nadi and Ahmad Abu

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el-Ezz, from al-Ain refugee camp in Nablus. They kidnapped their wives, who were hugging their children, and took them to their headquarters “behaving in the same way the occupation forces behaved when they kidnapped the fathers in front of their children and of the people of the camp”. The movement considers this act “a new crime and a dangerous behavior, indicative of the moral decline, of lack of honor and the recklessness of the leaders and members of the kidnapping forces of Abbas and Fayyad”. The movement said that it looks at this act with concern, being “conducted by women kidnapping forces, we consider it a dangerous escalation of hostile practices against Hamas”.

The movement stressed its denunciation “of this policy which contradicts our peoples’ national, social and moral norms and traditions”, and said it regarded it as a “despicable pirate act against Palestinian women and a blatant and shameless aggression against fighting and struggling women; an act affecting the social fabric and the status of Palestinian women; a coward stab to prisoners in occupation jails”. The statement questioned whether “the ongoing security coordination and the direct services provided by Abbas, the sincerity and dedication characterizing this service, is part of the Dayton scheme, a sordid implementation of dirty tasks, or a retroactive show of military competence in al-Ain camp, compensating Fateh’s absence when it used to hide in its caves, leaving the field to resistance knights in the camp to fight the occupation aggression”. Hamas statement lamented “the latest assault”, considering it “the newest expression of lack of shame and honor among those who kidnapped women” calling upon “the president of the PA to put an end to the policy of abducting women and to the prosecution of women under any pretext”. The statement also called upon “silent factions” and civil society organizations to “take serious stances vis-à-vis violations committed against Palestinian women, and to exert real moral pressure to release these women and to stop the PA’s policy of prosecuting and detaining women”.

The statement referred to above lacks any sense of tolerance; it is full of ready made descriptions and accusations (“Abbas’ security organs”; “moral decline and lack of shame and honor”, “forces kidnapping women”; “despicable pirate”; “shameless and blatant assault”; “abnormal behavior”; “coward stab”; “sincerity and dedication in implementing the Dayton scheme”; “hiding in caves”; “another expression of lack of honor and shame”, “silent factions”). These descriptions do not require any analysis of the text of the statement containing a terminology that could be described as insults and a degrading language, a language punishable by the law.

On the same date, the Palestine Media Center (PMC) issued a statement on the same topic, stating that “the prisoners of the Islamic Resistance Movement

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Hamas in the Zionist occupation prisons have threatened to harshly punish members of the Palestinian security services, under President Mahmoud Abbas' command, involved in the kidnapping of the wives of prisoners". The statement added that "Hamas has chosen not to respond to Dayton's troops' crimes and to those committed by militias collaborating with occupation and working under the name of the Palestinian security forces. But this will not prevent us from assuming our personal responsibility to prosecute offenders involved in the arrest of our wives and our women in their homes, and from firmly putting an end to those who commit these acts by all means and ways we deem as proper and legitimate, away from the national commitment of our movement not to respond to crimes committed by collaborators of the authority's apparatuses". Hamas prisoners' statement added: "Let those who were involved in issuing arrest warrants, those who implement them and those who conduct investigations with our wives know that they will not be immune from our personal reaction; when it comes to our honor and homes, our hands will not be constrained by any political decision, and nobody can prevent us from taking our personal right till we are dead".

In analyzing the said rhetoric, we find that those who wrote it, in addition to the set of words carrying libel, insulting and degrading words, also used a language of threat of reprisals against those who arrested their wives, a threatening language implying the use of "all means and ways we deem as proper and legitimate away from the national commitment of our movement not to respond to crimes committed by collaborators of the authority's apparatuses". Such a declaration of taking the law into one's own hands, regardless of whether this act is right or not, reflects the highest degree of intolerance. This rhetoric came in the context of hostilities between Fateh and Hamas, and was meant to reflect a political dimension, despite the fact that those who used this rhetoric tried to implicitly give it a personal dimension.

### ■ Attempts to exclude others

The two movements, Fateh in the West Bank and Hamas in Gaza, have attempted to exclude each other. In the West Bank, Fateh used the security services, consisting mostly of Fateh cadres, to pursue Hamas members, to stifle their movement, and to suppress all their activities. In the Gaza Strip, Hamas did the same, using the Executive Force under the Ministry of Interior in the discharged government and Izz al-Din al-Qassam Brigades, the military wing of the movement. The two movements committed acts of arrest, torture, preventing peaceful marches, even in major national events, and closure of media outlets.

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Even at the level of administrative procedures, the security forces of the two movements took similar decisions, with the aim of crushing the other party, particularly regarding the right to peaceful assembly. On August 22, 2007, the Nablus police chief issued a decision preventing all rallies, marches or demonstrations without obtaining a prior licence issued by a competent authority legally empowered to issue such licences, according to the Palestinian law. In a similar step, the official website of the Palestinian police of the discharged government posted news under the title "The Palestinian police calls for obtaining a licence to hold public meetings and festivals". The two decisions were based on the Public Meetings Law No. (12) of 1998 and they both constitute a flagrant violation of the right to peaceful assembly guaranteed under Article (26) of the amended Basic Law of 2003, already guaranteed in the Public Meetings Act No. (12) issued in 1998.

RCHS issued a report on the conditions of public freedom in the PA territories during the period covered by this report; the two reports will be issued consecutively. Therefore we will not go into further details on issues related to freedoms.

### ■ Judicial authority struggle

After the decisive military solution in Gaza Strip, the two governments passed through a phase of intolerance when it would come to providing employment opportunities. Each took action in an attempt to control official civil and security institutions. Some of the decisions taken by the caretaker government in Ramallah were given as justification for the discharged government in Gaza Strip to take action against them. In the aftermath of the military solution, the former police chief, Major General Kamal al-Sheikh, issued a decision ending the role of civil police; this meant an end to many basic jobs provided to those in charge of law enforcement, including traffic police, prosecution of crimes, supervision of prisons and detention centers and other vital functions. Afterwards, a decision to relieve the attorney general of his duties was issued. The tasks of the attorney general, according to the law, is to look into public issues, investigate crimes and prosecute criminals.

In Gaza Strip, the discharged government issued a series of resolutions directly affecting justice. On August 14, 2007, Dr. Yousef al-Mansi, then newly assigned minister of justice in the discharged government, issued a decision prohibiting Ahmad al-Mughni, the public prosecutor, from carrying out the duties of his position, under the pretext that he wasn't appointed in accordance with the law. On August 16, 2007, the Executive Security Force of the discharged ministry of interior raided the public prosecution premises in Gaza and assaulted the attorney

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general, detaining him together with other prosecutors and deputies. On August 29, 2007, a new public prosecutor and new aides were appointed in an illegal manner, to perform the duties of the attorney general and his staff. On September 4, 2007, the so-called "Higher Justice Council" (SCJ) was formed by a decision issued by the Council of Ministers of the discharged government, and the designated members, headed by lawyer Abdul-Raouf al-Halabi, were approved. On September 11, 2007, the Council of Ministers issued a decision approving the designation of the minister of justice and six members of the council headed by al-Halabi. The six members had to designate other three members who had to be approved by the minister of justice, according to Article 1 of the decision. According to Article 2, the Higher Justice Council is to perform the following tasks: prepare a list of vacant judicial positions and submit it to the ministry of justice to announce the vacancies, propose name of judges, suggest promotion to the Council of Ministers upon recommendation of the employment committee, decide on removing judges or giving them non-judicial tasks, approve judges' holidays and inform the ministry thereof, and receive judges' complains and take decisions in this regard.

The Sharia courts were among the institutions affected by the conflict. In February 2008, President Mahmoud Abbas issued a decree removing senior judge Hassan al-Jojo from his position as head of Gaza's Legitimacy Court. The decree stated that "according to the provisions of the amended Basic Law of 2003, on the basis of the provisions of the law of *Shari'a* courts in 1973, based on the proposal of the Supreme Council of Justice in its session held on February 11, 2008, and the necessities created by the coup in Gaza Strip, it has been decided to remove Hassan al-Jojo from his judicial position".

Dr. Jojo described the resolution as a "political" decision, saying that "the resolution is not a legal nor a judicial decision but one similar to the dozens of resolutions issued by President Abbas which have caused him to commit considerable mistakes". In an exclusive statement to the 'Palestine' newspaper, al-Jojo added that "he had hoped that Abbas would protect the judiciary and purge it of corruption and abuses proven through investigations made by specialized inquiry commissions such as the administrative and financial control commission, the Palestinian Monetary Authority and committees of the *Shari'a* courts office". Dr. Jojo added that there were embezzlement acts of orphans' funds by "senior judges of the *Shari'a* Courts".

On February 20, 2008, the Supreme *Shari'a* Justice Council in a statement issued at the conclusion of its meeting chaired by Sheikh Tayseer Al Tamimi, chief justice and president of the council, expressed its full rejection of the "Executive Force" intervention in the work of *Shari'a* courts in Gaza Strip. The council said in a

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statement issued after the meeting that “the acts of the dismissed judge Hassan al-Jojo have gone beyond legitimacy, especially with the issuance of a decision to close the Shujaiah *Shari’a* court”. The council stressed that the decisions of the “dismissed judge are illegal and void, given the crimes committed against the legitimate judiciary”. “The independence of the judiciary, and the prohibition of political and partisan interference in the affairs of the judiciary, is a doctrine approved unanimously by all Islamic *Shari’a* schools of thought and by all constitutions all over the world. It is agreed that those who work in politics should not be part of the judiciary and this is especially true for those who uphold their political positions and reject the principle of the independence of the judiciary”.

On May 15, 2008, an official source in Hamas movement in Bethlehem announced that the chief justice of Palestine issued a “decree ordering the intelligence apparatus to stop the authorized sheikhs who belonged to the Islamic movement in Bethlehem from practising their work”. According to Hamas, the “decision was taken against a number of authorized sheikhs who conclude marriage contracts in the city”, a new step taken by the security forces against supporters and members of Hamas in the West Bank.

With the division of legislative and executive branches, the two parties to the conflict undertook a series of procedures to bring about a rift in the judicial authority. These actions reflect a serious degree of intolerance, reflect discrimination based on political affiliation, as well as the politicization of the judiciary and pushing it into the political conflict where it would be unable to take neutral stances. These actions constitute a serious infringement on the authority of the judiciary, diverting it from its neutrality in a way which would likely endanger conditions of justice and put it at risk. Moreover, the absence of a judicial system would lead parties of the conflict to take the law in their own hands and will push citizens to use violence to obtain what they believe is their right. Pushing the whole society to take the law into its own hands will create a rival and non-tolerant society.

### ■ Exclusion at career level

Exclusion from job placement falls within the framework of economic rights. The two governments have resorted to exclusion from jobs based on the ongoing conflict between Fateh and Hamas. Because of that we included this topic under the heading of political tolerance. Exclusion from career opportunities, which took the form of exclusion from jobs prior to the eruption of the conflict between the two movements, is not a new phenomenon. From the day of its creation, the PA has given priority and special attention in its employment policy to Fateh members,

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especially when it comes to higher posts, most notably in the security services of an intelligence nature (Preventive Security, General Intelligence, Military Intelligence). It must be noted that the political Islamic movement's cadres do not have a quota system, unlike some leftist Palestinian parties. This only took place when Hamas won the legislative council elections and formed a government of national unity. Many members of the Executive Force formed by the Interior Ministry of Hamas' first government were integrated into the security forces. The system of job quotas also became part of civil employment after the formation of the national unity government.

Following Hamas' taking over Gaza Strip, the caretaker government in the West Bank and the discharged government in Gaza Strip undertook a series of arbitrary decisions against public officials who oppose them. At a time when the security forces in the West Bank played a role in stopping the promotion of a number of employees affiliated with Hamas, from among ministries and civil institutions staff, the discharged government in Gaza Strip took several decisions to dismiss staff affiliated with Fateh. Employees in the West Bank and Gaza became victims of the conflict between the two movements, regardless of their affiliations.

Tolerance at state level requires fairness and impartiality in legislation and in the enforcement of law and judicial and administrative proceedings. It also requires providing economic and social opportunities for everyone, without discrimination; any kind of exclusion or marginalization leads to frustration, aggression and intolerance. Intolerance can also be reflected in the marginalization of vulnerable groups, and their exclusion from social and political participation, and in practising violence and discrimination against them. These standards form the bases for judging tolerant or intolerant conduct of the state. Certainly, all procedures referred to above are conclusive evidence that the state is intolerant towards part of its citizens, and that it discriminates between them.

In a unique kind of a statement dated February 25, 2008, the union of workers in public institutions in the West Bank, demanded holding staff who works under the coup authority in Gaza Strip accountable for their acts". In a statement, the union reiterated "its support for any procedures to be taken by the government headed by Dr. Salam Fayyad, to ensure staff abidance by legitimacy". The union called upon "all brothers to refrain from working with the coup authority, even if this would require staying in their homes, otherwise they should be held accountable by the legitimate government". Mu'een Ansawi, secretary-general of the union said that his union would not defend employees who take their orders from the coup authority, because they are violating the national legitimacy, pointing out that these

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employees would be considered employees who refuse to perform their jobs.

In this regard, it is important to stress the right of employees to strike to demand their rights and improve working and living conditions, even if strikes take the form of peaceful civil disobedience. Trade unions, or other professional unions, should represent the interests of their members and defend them, irrespective of their political affiliation. It is their duty to defend their members if they are subjected to any arbitrary action. It is surprising that the union threatens its members or those it is supposed to represent in order to force them to adopt the viewpoint of the employer (Fayyad's government). A large proportion of the public staff in Gaza Strip works in the education and health sectors, the most important service sectors of the state, in addition to the justice sector, which was tackled above.

In stances contradicting the one above-mentioned position, several statements were issued by Fateh offices of Palestinian ministries, condemning the expulsion by the discharged government in Gaza Strip of employees affiliated with Fateh from their jobs. Examples given by Wafa news agency are as follows:

- On February 16, 2008, the secretariat of the General Federation of Farmers and Agricultural Cooperatives condemned arbitrary actions of Hamas against a number of cadres and employees at the Ministry of Agriculture in Gaza Strip. In a statement distributed in the city of Jericho, the federation condemned the policy of exclusion pursued by Hamas, citing the case of Khalid Zuraiq, marketing general director, Kamal al-Habbash, consultant to the minister of human development, and Nimer Ayesh, deputy director general at the Ministry of Agriculture. The secretariat of the federation called upon Hamas to abandon its illegal and irresponsible decisions which widen the gap between the people and which do not contribute to strengthening the national unity.
- On February 20, 2008, the Ministry of Health condemned the policy of exclusion pursued by the Hamas movement against the ministry's employees in Gaza Strip. In its statement, the ministry said that "the outlawed Hamas gangs in Gaza Strip, under direct orders from the coup leaders, are pursuing their ferocious campaign against the ministry staff, replacing them with volunteers from the movement who have nothing to do with professional experience". The ministry added that "as a continuation of its approach, initiated with its coup against the PA, Hamas removed the manager of the psychiatric hospital in Gaza from his post and has also removed Sanaa Khamis Ghannam from her job as an employee in the medical tasks department".
- On March 18, 2008, the Fateh office in the Ministry of Transportation and Communication denounced the acts of Ziad Zaza, a member of Hamas, who

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sent a letter to the undersecretary, Ali Shaath, preventing him from pursuing his job. In its statement, the office stressed that this action was arbitrary, taken within the continued separation policies of Hamas in Gaza after the recent bloody coup. The Ministry of Transport and Communications considered the decision as of no value because it is issued by an illegal body. It expressed its regret for the continued unfair and arbitrary methods used against the staff, and for Hamas' insistence to pursue its exclusion policy against any person who opposes it. The ministry said that these decisions would only widen the existing gap, perpetuate divisions among the people and their homeland, block the way against any attempts to correct the situation resulting from the coup in Gaza and prevent any efforts aiming at reuniting Palestine and the Palestinian people.

- "Putschists in Gaza removed Dr. Widad Rashid al-Qiq, manager of medical registration, general department of pharmacy at the Ministry of Health, and replaced her with a new employee who does not have minimum knowledge of pharmacy," reported Wafa on March 23, 2008.
- On April 1, 2008, the Fateh office at the Ministry of Transport and Communications denounced the removal of Jalal al-Bardini, deputy general manager of financial and administrative affairs in the ministry, by "Hamas gangs" who also prevented him from entering the ministry headquarters in Gaza in their attempt to "pursue their policy of oppression and repression exercised by the putschists against loyal employees". The office stated that the decision to dismiss al-Bardini came days after a similar resolution passed against the undersecretary and head of the port authority Dr. Ali Shaath, "in the framework of the policy of exclusion exercised by Hamas in Gaza against those who are truly committed to PA's legitimacy, replacing them with coup members in continuation of its policy aiming at dividing people and their country".
- On May 15, 2008, the Ministry of Health said that Hamas gangs removed Muhammad al-Jadi, manager of employees' affairs department, at al-Shifa' Medical Center from his job. In its statement, the ministry said that "these militias refuse to become anything other than a destroying element alongside occupation to destroy the system at this very important phase. (Wafa News Agency)

## **Suspension of employees' salaries**

The negative impact of the Palestinian political divide has additional consequences on the public sector employees whose salaries were suspended by the Palestinian government in Ramallah under the pretext of their absence by the decisions of the discharged government in Gaza Strip. The problem began after Hamas took control of the strip. At that time, the caretaker government in Ramallah attempted to suspend the salaries of hundreds of employees, particularly the employees of the

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ministries of health and education. During the period covered by this report, the Palestinian government in Ramallah continued its policy of suspending the salaries of public sector employees, in an arbitrary manner. The reason behind this policy is the sharp political division afflicting the society and the entire Palestinian political system.

According to information released by al-Mizan Center for Human Rights, working in Gaza Strip, the caretaker government in Ramallah continued to suspend the salaries of staff working in the government education sector and the Palestinian security personnel. The center documented the cases of 164 teachers, supervisors and administrators working in the Directorate of Education in Rafah alone, including the director of education. Of those, 117 have not been paid since January 2008. In Khan Younis, there are about 185 employees; 63 of them have found that their salaries were suspended as of January 2008 without prior notification. In the Middle Gaza Governorate, there are 81 employees working in the education sector, out of which 35 have not been paid since January 2008. In Gaza City, there are 158 employees, and in northern Gaza there are 67 employees, among these 67 there are 25 employees whose salaries have not been paid for the same period.

Furthermore, employees working at the Ministry of Health face the same consequences of this policy. The information available to al-Mizan Center details that of the 2,800 health employees, salaries for 698 have been suspended since January 2008. Six hundred out of the total number of health employees working on contractual basis are still awaiting pay. This is in addition to thousands of security personnel and civil servants whose salaries were suspended in the same way.

It should be noted that the Palestinian Basic Law and the Civil Service Law have provided a series of guarantees for the right of the employees to receive their salaries. The law stipulates the inadmissibility of suspending salaries or seizing them, except according to specific procedures and after conducting administrative investigation, and giving the employee the opportunity to defend himself in case he is accused of an administrative or criminal violation and it gives him the right to complain and to appeal.

Despite this stipulation, these actions were taken for political reasons. The PA in the West Bank resorted to the law to stop the strike of the public sector employees. On April 5, 2008, President Mahmoud Abbas issued a decision by law stating that the right to strike is guaranteed to civil servants; those who are affected by the strike may resort to the Higher Court of Justice to stop the strike if it violates the law or if it causes serious damage to public interest.

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Immediately after the issuance of the said decision, several human rights organizations criticized it because it restricts the right of workers in government jobs to strike, which means restricting freedoms and interference in the work of employees who are represented by trade unions. Human rights organizations said that “the decision is unconstitutional for several reasons, including the fact that it was based on the Palestinian Labour Law No. 7 of 2000, and its provisions explicitly do not apply to government and local bodies employees, according to the provisions of Article 3 of the law”. Human rights organizations add that the decision has “restricted the right to strike by imposing conditions and procedures which makes the right to strike lose its meaning and which hinder its exercise. This explicitly violates the provisions of the Palestinian Basic Law”. They consider the constraints set by the president of the authority on the employees as “practically leading to the restriction and control of the right of employees working in the public sector to strike and also denies them this right, practically banning its practice, which is considered a clear violation of a right guaranteed by the Palestinian Basic Law”.

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## Third

# Social Tolerance

The visible mayhem and armed struggle between Fatah and Hamas negatively impacted social tolerance. The tendency to take the law into one's hands worsened during the period of strife. Criminality rates within the Palestinian society, and especially homicide, increased. In this respect the report cites crimes of murder that were committed under the pretext of the so-called 'crimes of honor', vendettas, and personal hostilities, and family disputes, all of which reflect the deteriorating state of tolerance on the social level.

### ■ Intolerance toward women

The reports of many women-related, and women's rights NGO's, point to increasing rates of offences against women, through killing, injuring, and/or threatening with slander. Despite the legislations aimed at abolishing discrimination against women, the dissemination of equalitarian culture and concepts, the efforts made, and the practical measures taken in that direction by the official establishment and the NGO's in order to improve tolerance regarding women, yet all these steps fail to do justice and remain, notwithstanding many positive achievements, insufficient in giving women all their rights. Furthermore, some of the established legislations remain deficient in protecting women from the worst violations of their rights, and need drastic amendments. More alarming is the fact that the social perception of women is generally still negative; it did not rise above the traditional view of the place and status of women in social activity, and their civil, political, economic, social, and cultural rights.

On the official level, the Basic Law of the Palestinian Authority, and a number of laws that were enacted under the Palestinian Authority, and more specifically, the labor law, and the civil service law, guaranteed women's equality with men, in order to protect them from gender-related discrimination and violence. However, these laws remain by and large formal as long as their practical monitoring and enforcement is wanting; as long as the necessary procedural by-laws that put them into force are absent—not to mention the existence of other discriminatory laws against women. The most inhumane crimes that affect women in the Palestinian society are homicide based on the so-called "family honor". The laws in force in the areas falling under the Palestinian Authority's jurisdiction protect those convicted with such crimes under what is called the

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‘attenuating excuse’.

Both the Jordanian penal law number 16 which is still in force in the West Bank, and the 1936 Palestinian penal law number 74 in force in Gaza, include several penal statutes stipulating the infliction of consequences on those who commit violent crimes against women. These consequences increase in severity according to the type and nature of the crime, be it murder or criminal intent, physical abuse in all its forms, crimes that place life or health in jeopardy, crimes against morality, crimes related to the marital bond, or family commitments such as giving a minor in marriage, or fraudulent marriage, deprivation of liberty, kidnapping, libel and defamation. All these have been considered by the law, and commensurate consequences have been stipulated. However, the law does not stipulate sufficient and deterrent consequences for those who commit crimes under the pretence of honor. The laws in force in Palestine do protect such offenders, when it acquiesces in the so-called attenuating excuse in the case of the so-called crime of honor, either through article 18 of the penal law of Gaza, or article 34 of the penal law in force in the West Bank.

Accepting the so-called attenuating excuse in due judicial process of cases of murder under the pretence of “family honor” is practically an encouragement for those who commit such crimes. Despite the rejection of the Palestinian civil society of these crimes, there are other reasons behind such misdeeds, not the least of which the demand by a woman of her rights of inheritance, for example, or of choosing her husband, or opposing her parents in some situations that are perceived by them to be embarrassing—so they resort to killing the woman and disparagingly accusing her of dishonoring the family.

In general, discrimination against women is still felt in many areas. Numerous Palestinian families deny women their rights in education, in choosing their husbands, and in inheritance. Furthermore, some families, especially in rural regions, compel their daughters, when engaged outside the kinfolk, to relinquish their shares in heritage before agreeing to give them in marriage. Working women, whether in urban or rural settings, are also forced in many cases to give away their salaries to their parents for several years. All these facts reflect cases of intolerance against women.

### ■ Killing for reasons related to family or personal feuds

With the deteriorating state of security in areas under the control of the Palestinian Authority and the availability of arms to ordinary citizens without any strict legal

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constraints, taking the law into their own hands became a common practice for awakening old buried family feuds or resolving personal differences or even in family spats. The absence of accountability after the destruction of Palestinian Authority headquarters by the Israeli occupying forces, and the failure of Palestinian security forces to access territories marked as B areas by the Israelis, coupled with the internal armed struggle, all helped in reinforcing the practice of taking the law into their hands.

Fifteen homicides were perpetrated during the period covered by the report, and resulted in eighteen female and male deaths. Eight were committed in the West Bank causing the death of ten citizens including two children, one woman, and one elderly person. The other crimes were perpetrated in the Gaza Strip and resulted in the death of eight citizens, of whom three were women. One of these crimes was committed under the pretext of ‘the honor of the family’ in the town of Rafah. The most hideous of these crimes took place on March 28, 2008, when three citizens were killed, of whom one was a child, and ten others were injured in the village of Kfar Thulth, southeast of the town of Qalqilya during a *majlis solh* (a council of reconciliation) between two families. We definitely reprove all justifications for any crime, yet some crimes were committed for the most futile motives. On May 2, 2008 one citizen from Hay al-Sabrat, a neighborhood east of Gaza was killed; the backdrop of the crime was a quarrel with a taxi driver on transportation fees.

### ■ Transgressions against private property

Numerous businesses and private premises were targeted by attacks that were categorized as expressions of hostility against the activities of these businesses. These attacks were predominantly focused in the Gaza Strip, and more specifically on barber shops and beauty salons, internet cafés, and fast food restaurants. There is a prevalent sentiment that the rationale of these attacks is that these businesses are somehow contravening the teachings of Islam—from the viewpoint of perpetrators, at least—even if no faction ever declared its responsibility for these acts of violence.

In a rather strange statement, Jaish al-Islam (the Army of Islam) in Gaza issued an implicit warning against the rampant Iranian influence in the Gaza Strip. This organization declared in a press release distributed on June 3, 2008, that ‘there is a Safavid Shiite scheme looming in the horizon, seeking to gain more ground, aiming at devastating the country and sticking the blame on members of the Army of Islam in order to denigrate them in the eyes of their people.’ The organization declined any responsibility of its members for acts of sabotage, destruction, and blowing up

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that occurred recently in the Strip and aimed at some businesses and shops, and considered that targeting Muslims and their belongings is just another step on the way of carrying out the Safavid scheme in Gaza.”

The following incidents took place during the reporting period:

- On January 21, 2008 unknown people set off an explosive device in front of a beauty salon owned by citizen Hamza al-Sahhar. The blast caused serious damage in the shop.
- On February 7, 2008 unidentified armed individuals detonated an explosive device in al-Haneen Center for Internet services, owned by Mazen Eid al-Shaer, in Rafah, in Uthman Bin Affan Street close to the East Terminal of Rafah. The blast completely destroyed all furniture and computer equipments.
- On March 13, 2008, unidentified individuals blew up al-Jazeera Café in al-Thawra building in downtown Gaza. Apparently, the perpetrators set off a locally made explosive device which devastated the front side of the café and shattered the window panes in the building’s apartments.
- On April 10, 2008, the show window of Hatem beauty salon on Khaled bin al-Waleed Street in Hay al-Rimal in Gaza City was blown up. The entrance and some equipment were damaged, and so were some cars parked in the area.
- On April 21, 2008, an explosion took place in an open space owned by the Abu Rahmeh family, near the southern wall of Hotel al-Deera, on the Gazan seashore. The blast caused minor damage to the wall, and smashed the kitchen panes in the hotel.
- On May 18, 2008, unidentified perpetrators set off an explosive device in Wajba Sareeha (fast meal) café and cafeteria facing Al-Quds Open University in Gaza City. The blast resulted in destroying the place completely and smashing the windows of the neighboring buildings in addition to those of the Open University.
- On 16 June 2008, unidentified perpetrators set off an explosive device in a ladies’ beauty shop in Tal al-Sultan neighborhood in Rafah province southern Gaza Strip. Eyewitnesses said that the shop, managed by a woman, was detonated by an explosive device placed in front of the main entrance of the shop. The blast caused full damage and there were huge financial losses.

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## Fourth

# Freedom of belief and expression and the right to difference

- The freedom of belief, worship, and practicing of one's religious rituals are guaranteed on condition of not disrupting order or the rules of civility. (Article 18 of the Basic Law of the Palestinian Authority).

No violation of the freedom of opinion. Every human has the right to express his opinion and to publish it either verbally or in writing or in any other form of expression, or art, within the norms of the law. (Article 19 of the Basic Law of the Palestinian Authority). There is an expansion of the discourse of fanaticism, of rejecting otherness outside the ambit of the official establishment and the body politic in Palestine. This discourse reflects societal trends that are intolerant of difference. These trends are no less dangerous in their negative impact than the official leanings because they are not subject to any restraints, and because they carry a heavy load of instigation against the other in a popular environment prone to receive such instigation and to espouse it. Very often both the official and popular discourses converge on rejecting difference. In this section we will review some cases that reflect the rejection of difference in the areas of freedom of opinion and expression, in the societal context only. This is because The Ramallah Center for Human Rights Studies already prepared, as previously mentioned, a report on public freedoms in areas under Palestinian Authority control, and allocated a separate section for freedom of opinion and expression in the official practice.

When Hamas won the January 2006 legislative elections the chairman of its political bureau, Khaled Mash'al hurried to address a message of reassurance to the Palestinian people. Mash'al further confirmed this position when he said that Hamas presents itself as a national liberation movement with a Muslim background, based on moderation, tolerance, and the assimilation of all components of the Palestinian society." (Al-Ahram newspaper February 18, 2008) However, despite its preoccupation with the internal struggle against Fatah, Hamas attempted to meddle with issues related to freedom of expression, and took a rejectionist stand against the culture of the different.

The contradictory statements by Hamas religious and political leaders did nothing

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to appease serious concerns within the democratic and secular forces over the potential violation of public freedoms, including personal freedoms even if practiced in accordance with the law, with due respect of public order, and the interests and rights of other people. That is because many of these lawful activities are viewed, by the proselytizing propagandist trend within the movement, as more or less falling foul of the *Shari'a* (religious Law). This general concern was even aggravated after the decision by the Palestinian ministry of education to destroy all copies of "Sing, Bird, Sing" in all government schools libraries. The decision made by Dr. Nasser el-Sha'er, the then Deputy Prime Minister and Minister of education, was firmly opposed by all academicians, authors, intellectuals, and institutions of civil society. This steadfast denunciation of the decision forced the then Minister of education to say that the circular related to banning the book was issued without his, or any of his aides' consent or knowledge. Consequently the decision was abandoned.

In mid April 2008 Ramallah first company organized a festival for modern dance in many West Bank towns. During the festival Dr. Marwan AbuRas, chairman of Palestine Ulemas in Gaza, and Dr. Saleh al-Raqab, Superintendent of the Ministry of Awqaf and Religious Affairs in the deposed government issued violent and abusive statements accusing the Ramallah modern dance festival and the organizing team of 'dancing on the wounds of the Palestinian people'. They even accused the organizers of being "normalizers", and devoid of any degree of national or moral responsibility; of being the advocates of 'sprawling' pleas that render the youth effeminate, teach them licentiousness and shamelessness; of disobeying God's Law; of being corrupt advocates of nudism; of being lust-mongers, not belonging to our people, and a stigma of shame..."

This discourse was exploited on two different levels, the first, religious, in which the festival organizing team were accused of "disobeying God's Law, of being corrupt, advocates of nudism, and lust-mongers"; the second, political, in which they were accused of being "normalizers", and devoid of any degree of national or moral responsibility. Both clerics pointed at an alleged link in the concomitance of the festival in Ramallah and the atrocities perpetrated by Israel's occupying forces in Gaza Strip. The linkage came in the context of incitement against the festival, and its organizers, and of goading the public—in Gaza Strip, at least—against them. Interestingly, it did not come in the context of drawing the Palestinian public's attention in the West Bank to the tragedies of their fellow citizens in Gaza.

Exhorting the forces of the Palestinian people in the West Bank to support their brethren in Gaza Strip is right and legitimate. However this exhortation has a discourse different from that of Dr. Marwan AbuRas, and Dr. Saleh al-Raqab. It

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could be a direct discourse aimed at the Palestinians without disparaging, insulting, disgracing, and debasing others. That is why this discourse is lacking in tolerance.

In an interview by the Palestinian Channel about tolerance and the dialogue of religions, on May 16, 2008, Professor Muhammad al-Shereda, Professor of Islamic Law at al-Najah National University recognized that after living in Nablus since 1969 'he never saw any Samaritan, or any of our Christian brethren openly smoke a cigarette in Nablus during the holy month of fasting in Ramadan, while some Muslims shamelessly did.' Dr al-Shereda cited this as an example of tolerance and coexistence between the followers of the three faiths in the city, as it is insinuating that those who trespass God's imperatives are some followers of the Muslim faith and not others. When asked about embracing communism and secularism by some Muslim intellectuals while increasing numbers of Christians are converting to Islam, Dr al-Shereda answered that 'secularism is a bigger threat to Islam than anything else.'

In June 2008, the Palestinian "Army of Islam" said that it has discovered Shiite groups receiving funding from Iran, within what the army has described as an "Iranian scheme" to control the area. Abu Muhammad al-Maqdisi, one of the leaders of the group, holding the same school of thought of al-Qaeda said in a special interview with a number of journalists, among them is the correspondent of the German News Agency (D.P.A) in Gaza that the "Army of Islam" in Gaza Strip discovered a group adopting the Shiite doctrine to the degree of practicing the Shiite twelve rituals. They beat themselves with chains in some occasions". He added that "the distance between us and Iran is a distance between heaven and earth; they are the Shiites who abandoned God's religion; this makes us oppose them; we have to rout out all the seeds they plant in this land and we will try to root them out and prevent them from taking any further steps".

The leader of the "Army of Islam" said that political systems which do not apply the book of God and Shari'a must be removed sooner or later", pointing out that "these should be invited words, if they do not respond by the use of force". But he added that "the removal of these systems by force should have its restrictions and rules; it should be well studied and in the right conditions; the good should replace the evil". Al-Maqdisi strongly denied any involvement of the "Army of Islam" in acts of sabotage, destruction and blast that occurred recently in the Gaza Strip and targeted some houses, shops, internet cafes and Christian institutions. With regard to accusations against the Army of Islam of recent attack on YMCA in Gaza, al-Maqdisi said that the Army of Islam is not directly involved in the attack, but some of the Army's members committed the attack on their own; they have been

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punished to prevent the recurrence of similar acts”.

The basic rule of tolerance is accepting the different other, peace in difference, regardless of the other's ideas, convictions, or ideology. It is noticeable that those clerics and proselytes who talk about tolerance simply ignore nonreligious or secular people, and confine their talk about tolerance to followers of other faiths. They exclude those who do not abide by the teachings of their religion, and exclude them from tolerance. However, tolerance is an indivisible whole. No act can be justified against it except in resisting intolerant people—that is if we really mean what 'tolerance' says. Hence no cleric might claim that he is tolerant with a person regardless of his religion, if he is religious, and refuse, at the same time, to be tolerant with nonreligious people, no matter how deep the ideological divergence between them can get, as long as the different other recognizes the value of tolerance.



## **Conclusion, Results, Recommendations**

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## Conclusion

The concept of tolerance took shape in the Europe after decades of bloody religious wars between Catholics and Protestants. The concept developed since then until it took its human legal dimension, and became an integral part of human rights. There are differences in the circumstances of its emergence in Europe and those of its promotion in the Palestinian society today. However, calling for it seems of vital importance in a society with a plurality of religions, ideologies, ideas and opinions; in a society that has witnessed an unfinished internal armed struggle; and a society where the clan and its notions still form a major component of culture and behavior.

This certainly does not mean that advocating it must be linked to the existence of internal strife. In this sense, calling for it in normal conditions also seems necessary to avoid the surfacing of any cycle of violence in the future, for divergences in viewpoints might eventually result in an intolerant society, with all the dangers this entails for the social fabric. On the preceding premises the Ramallah Center for Human Rights studies, and shortly after its founding, introduced tolerance into its main programs.

Even in apparently stable societies, and advanced nations, tolerance is also needed. Tolerance implies equality in rights and obligations. Hence comes the necessity of linking the attainment of tolerance to the existence of the state of right and the rule of law. The existence of such a state guarantees equality of rights and freedoms for all members of society such as freedom of expression of ideas and beliefs, without exceptions of any creed, philosophy, or religion. It also guarantees the absence of all sorts of discrimination in doing justice to all.

The necessity of a tolerant state of law in safeguarding tolerance does not preclude the role of civil society as a building bloc of the modern state. An important condition and component of a tolerant state is the existence of a consistent and robust civil society, informed by a legal culture, capable of impartially monitoring the violations of citizens' and political opponents' rights and freedoms by state institutions, and of confronting any encroachment on individual or groups' rights.

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## Results

This report on tolerance in the areas under Palestinian Authority control is the first of its kind. Despite the fact that the reporting period stretched nominally from January first to June 30, 2008, the Ramallah Center for Human Rights Studies was compelled, in some sections of this report, to refer to certain events that took place before months of the nominal reporting period, in order to present an integrated image of the events that occurred in the first half of 2008. In light of the cases of intolerance that the Palestinian Authority areas witnessed during this period, the results reached by this report are:

### First: **the state of religious tolerance**

- There is a ritualistic recognition by religious leaders of religious tolerance toward the so called revealed religions. However, tangible incitement against other religions, especially in Friday orations, against other religions, cannot be ignored. Most importantly these bigoted calls are full of wholesale generalizations that do not take into consideration the rights of citizenship of all members of society without discrimination.
- A number of acts of violence against church possessions and church-related premises such as schools and libraries were reported, especially in Gaza Strip.
- The exploitation of religion in political practice has produced a political discourse lacking in tolerance toward the different other, even if he is a coreligionist.
- The religious discourse, more particularly the fundamentalist one, is devoid of any form of tolerance with regard to non religious ideological leanings. It even considered them most threatening for religion.

### Second: **the state of political tolerance**

- The authoritarian and overbearing autocratic leanings, coupled with the pushy quest of depriving others of any share in power have resulted in a heavy-handed form of political despotism, with the attending condition of intolerance for the politically different, and of denial of their rights.
- The exclusion and marginalization of political opposition went on unabated both in the West Bank and Gaza Strip; and so did the violation of its right to organize and operate.
- Excessive use of force against peaceful acts of dissent organized by the opposition has become the daily conduct of the security apparatuses. The risk is that this might lead to the dissemination of the culture of violence.
- Widespread political use of exclusion from office, replacement, and salary cuts

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by both parties to the conflict is in glaring contradiction to the simplest canons of human rights.

### Third: **the state of social tolerance**

- No improvement in the state of tolerance towards women. Intolerance vis-à-vis and discrimination against women went on unabated; and so did their exposure to violence, killing, and deprivation of civil, political, social, and economic rights.
- The judiciary was not spared from the fallout of the armed conflict between Fatah and Hamas. It was even directly affected, or paralyzed, by the struggle for power; its jurisdiction and prerogatives were usurped. It goes without saying that such a situation is really tempting to anyone who might consider taking the law into his hands. The absence of legal authorities to settle differences, establish, and protect rights might drive some contending parties to seek means other than the judicial ones to attain their rights. The ultimate outcome of this situation might drive society to resort to violence, and expand the culture of intolerance.
- The spread of confusion and mayhem is steadily getting coupled with more and more people taking the law into their hands. The report recorded scores of cases in which firearms were used in family spats and personal wrangles, and which resulted in deaths and injuries.
- The reporting period witnessed an increase of murders in retaliation.

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## Recommendations

The areas controlled by the Palestinian Authority have witnessed during the period covered by this biannual report numerous cases of intolerance, whether on the level of state institutions or society. This fact necessitates warning against the attending risks, and suggesting recommendations to fight it and contain its consequences.

Based on its cumulative experience with tolerance, and on the results of the present report, the Ramallah Center for Human Rights Studies recommends the following:

- Taking immediate action to root out all aspects of violence and intolerance on both the official and popular levels. This involves fighting the causes which resulted in these events whether they are political, economic, social, or cultural.
- As long as the essence of tolerance is the right to be different, it is imperative to emphasize this right and to respect its exercise.
- The application of tolerance requires the broadening of the ambit of public liberties, foremost of which the freedom of belief, be it religious or otherwise, the freedom of opinion and of expression, the freedom of organizing trade unions, and peaceful gathering, and political plurality. Hence the necessity of converting all this tangibly on the legal and legislative levels, as well as on the level of legal and legislative implementation.
- These demands cannot be realized apart from reconsidering the processes of civic education, and adopting programs that promote the culture of tolerance inside the family first, and then at school and college later.
- The previous recommendation cannot be fulfilled without a basic adjustment of the educational system, primarily in the elementary levels, in a manner that emphasizes the development of a culture of tolerance within the student body. Improving teaching curricula and methods in conformity with these goals is a must.
- In some forms of partisan education and indoctrination have enormously contributed to generate the various aspects of political intolerance. It is imperative to eradicate all form of fanatic partisanship and incitement against the politically retarded in order to widen the sphere of tolerance.
- The programs aimed at disseminating the culture of tolerance must do justice to women. In order to empower women in the process of disseminating this culture and instilling its values in their offspring, all forms of discrimination against women must be abolished, because all such discrimination violates women's

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inalienable rights.

- Make the most of religious discourse in disseminating the culture and values of tolerance, calling for disallowing all ways of incitement against difference, and disapproving religious and ideological extremism.
- Steering the various media in the most effective ways to promote a public opinion averse to extremist leanings no matter their type or color, and encourage dialog and acceptance of difference.
- Promoting the interest of civil society organizations in the dissemination of the culture and values of tolerance; fighting all aspects of fanaticism and discrimination; and redirecting the performance of authorities toward safeguarding human rights.