

Third Report
1/1/2009-30/6/2009
Biannual Report on the
Situation of Tolerance in the
Territories of the Palestinian Authority

Part One: Theoretical Framework

General Introduction

Experience has proven that the decline of the margins of tolerance within any society will lead this society to prejudice and fanaticism, thus enriching the culture of hate, rejection of diversity, resentment against the other, and attacking and denying him—in short the prevalence of the culture of chauvinism and self-isolation. This is a natural result of the absence of tolerance within societies in all their diversity. In line with this, the latest developments on the Palestinian arena have proven that there is an imperative need to generalize and deepen the culture and values of tolerance within the Palestinian society. There is an equally pressing need to transform both this culture and its values into a living social ethos. That is because dealing with this culture as an intellectual entity separated from real-life human conduct will be of no use.

Today, the Palestinian society is certainly in need of a wide-ranging campaign to implant the tolerance-related value system. This is definitely not due to the dearth of such values in the traditional ethos of this society, but rather because the traditions of tolerance are now threatened with disarticulation and disappearance as a result of multiple changes witnessed by the Palestinian society during the last few years.

The decline of the values of tolerance is not restricted to the Palestinian society, but has become a general trend affecting many societies. It is part of human history, and is almost inseparable of human society. That is why the UNESCO expressed, in its famous Declaration of Principles on Tolerance, its anxiety concerning "the increase in the aspects of intolerance, violence, terrorism, xenophobia, aggressive national conflicts, racism, exclusion, marginalization, discrimination against national, ethnic, religious, linguistic minorities, refugees, migrant workers, the feeble categories of societies, the increase of violent acts and intimidation against persons practicing their right to freedom of opinion and expression. All these actions are endangering the processes of reinforcing the foundations of peace and democracy, on both the national and international levels, and blocking the way to development."

The decline in the value of tolerance clearly reflects the multi-dimensional crisis facing the world order, whether in the field of values or in the political, economic, and cultural relations. In this world context the Arab world and the Palestinian society live in a state of steadily increasing tension that might take the forms of individual or social violence, social upheavals, rising criminality rates and violations of human rights in various forms. All this has affected directly and deeply the lives of increasing numbers of individuals and

communities, and has come to endanger the value system upon which the civil peace of these societies is based.

On the Concept of Tolerance

The Declaration of Principles on Tolerance, issued by the UNESCO is an advanced and important step toward reinforcing and codifying the idea of tolerance. The said Declaration has elaborated the idea of tolerance when it referred to it as one of the basic foundations of any civil society. It also asserted that civil peace requires recognizing the other and respecting his right to be different. "Tolerance means respecting, accepting, and valuing the rich diversity of the cultures of our world, and the forms of expression and human attributes. This tolerance is strengthened by knowledge, openness, and communication, freedom of thought, conscience, and belief." On the explanation of tolerance the declaration states: "it is concord in the context of difference. It is not only a moral duty, but a legal and political one as well." It goes on to say, "Tolerance means taking a positive attitude recognizing the right of others to enjoy the basic human rights and freedoms." It asserts that tolerance is the pillar of human rights, diversity in all its forms, democracy and the rule of law. It entails repudiating injustice and despotism. It recognizes the freedom of the individual to choose his religion or belief, and implies that he accepts and recognizes the right of others to his tolerance.

Tolerance means that humans who are different in character, aspect, situation, behavior, and values have the right to live in peace". The Declaration indicates that the first step to propagate the principle of tolerance is "teaching humans their rights and freedoms in addition to strengthening their resolve to protect the rights and freedoms of others."

In the preface of the Declaration of Principles on Tolerance, we find that the UNESCO identified the legal foundations upon which it based the formulation of the Declaration as follows: the Charter of the United Nations, the basic charter of the UNESCO set forth in 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 International Convention on the elimination of all forms of racial discrimination; the special convention on prohibiting genocide and punishing it; the convention on Children's Rights; the 1951 convention on the status of refugees and its protocol of 1967 and the regional codification instruments related to it; the Convention on abolishing all forms of discrimination against women; the Convention on fighting torture and similar forms of cruel, inhuman, or humiliating treatment and punishment; the special Declaration on the abolishing all forms of prejudice and discrimination related to religion or belief; the special Declaration on the rights of persons affiliated to national, ethnic, religious, or linguistic minorities; the Vienna Declaration issued by the World Convention on Human Rights; the Copenhagen Declaration adopted by the World Summit on Social Development; The UNESCO Declaration on racism and racial discrimination; the UNESCO Special Convention on fighting discrimination in the field of education. The presence of the above

international legal instruments in the preface of the Declaration of Principles on Tolerance established a clear link between the condition of tolerance and the condition of human rights, and raised the concept of tolerance from being simply ethical into being a human legal concept. The contemporary concept of tolerance is based upon the principles of human rights; it is an integral part of these rights. The Declaration of Principles on Tolerance linked tolerance to human rights, democracy, social peace and justice, and their mutual relationship; that is why it linked the principles of tolerance to the set of international covenants and conventions related to human rights, and hence elevated the concept of tolerance from being a moral value into being a legal value that requires protection from the international community.

Part 2: the State of Tolerance in the PA Areas

Preliminary

The issuing of a report on the state of tolerance in the areas of the Palestinian Authority might need a lot of thinking about the sources of tolerance in a society that is still enduring occupation as a major cause of intolerance and negation of human dignity. However, there are many internal factors that greatly influence the decrease of tolerance inside the Palestinian society, not least of which are the political rift, the incitement of the mediatic discourse, the increasing rejection of the religiously, politically, and culturally other...etc. that is accompanied by religiously or socially justified murders. The Palestinian society has witnessed, since the inception of the Palestinian Authority, many transformations that introduced new concepts, and caused the disappearance of other political, social, religious, or cultural concepts and values that affected the culture of tolerance within the Palestinian society. The fundamentalist discourse has remarkably increased, and used at the service of various political, social, cultural, and other aims. This discourse was very well received in social circles, and the various components of the Palestinian polity concurred with it and adopted it, even if with varying degrees between one political movement and another.

It is noticeable that this discourse prevails in the Palestinian arena since at least a decade now. On the other hand, many Palestinian mass media contribute, intentionally or unintentionally, and through the discourse they use in covering events, especially political ones, in perpetuating the state of intolerance in this society. A simple and speedy review of the state of mediatic discourse in the areas of the Palestinian Authority reveals accusations of infidelity, or betrayal, and slanderous expressions toward the different other. These unbecoming expressions are cloaked in the guise of safeguarding homeland, religious faith, and the higher interest and other such phrases that carry one message, which is incitement against, and hatred of the other for no other reason than being different. We observe how religion is being intensively used by all parties in this discourse in an attempt to protect one's viewpoint from criticism and place it in the niche of the sacred that can not be departed from or discussed. Religious fanaticism, and the accompanying sectarian fanaticism, and the use of religion at the service of these issues are the clearest aspects of intolerance. The menace of this form of intolerance stems from its being cloaked in the guise of the sacred, and exploiting the religious text in incitement against the different other, so that simple minded people fall before the might of sacredness and their inability to explain the sacred scriptures.

First, religious tolerance

The Basic Palestinian Law that is taken as a constitution stipulates, "Islam is the official religion in Palestine, the other Heavenly religions enjoy their respect and holiness."(Section 1 of Article 4 of the Amended Basic Law of the Palestinian Authority). "The principle of Islamic Sharee'a is the major source of legislation" (section 2 of Article 4 of the Amended Basic Law of the Palestinian Authority). "The freedom of belief and worship and practice of

religious rituals is guaranteed provided that they do not violate or jeopardize public order or morality."

The above-mentioned articles might give the impression that Muslims are privileged in Palestine, even if there is a clause on preserving the right of "other citizens" in practicing their religious rituals. This means that the Palestinian Authority has, in certain interpretations, defined its ideology and legislative policy through Islam exclusively. However, tolerance presupposes equality between citizens so that they are at the same distance as regards the state, regardless of their affiliations. There would not be tolerance in society when one religion is preferred to the others. Religious tolerance does not theoretically mean coexistence between different religions only, but also coexistence between different trends within these same religions, and coexistence between these religions and other unbelieving or irreligious fellow citizens. The notion of coexistence between members of the same society should not be built on a religious basis, nor should religion be used as a criterion for affiliation or citizenship, because this will lead society to fanaticism and intolerance.

Moreover, religious discourse in the Palestinian society is used in many different ways, some of which is still based on a unilateral and partial interpretation that nourishes hatred and rancor, and put forth unrealistic, unjust, and inhuman concepts in its interpretation of some facts. This discourse casts a negative look at society, because society disagrees in many aspects with this discourse. Society is depicted as straying, and must be shown the right path.

As a proof that clerics from both sides of the divide consider themselves as custodians of society, the ex-Minister of Awqaf (endowments), Jamal Bawatneh made on 2/5/2009 a statement published by Ma'an news agency in which he said that the group of youth and adolescents is targeted by a number of the enemies of religion and morality, and that the Ministry is putting together a complete program aiming at protecting them and steering them to true religiosity."

It is possible to understand this statement as meaning that others hold to the untrue religion, or that they are not religious, and that the function of the state is to disseminate religion, and the Islamic one more specifically, regardless of the fact that the Palestinian society includes followers of other religions, and these are citizens with equal rights and duties.

1-Of Exploiting Religion

Aspects of political islamization have generally increased, and especially after the movements of political Islam have realized the important role that can be played by religion in shaping general opinion in Palestinian society. These movements have realized that the international, Arab, and local changes during the last two decades have contributed to driving the overwhelming majority of the individuals in society toward an increasing level of religiosity as an alternative to the spectacular collapse of international and national movements and the decline of their role in mobilizing and struggling against

colonialism, injustice and dependency, and in the remarkable absence of any other discourses.

Palestinian political Islamic movements have singularly used their religious mobilizing discourse as a means to achieve their political, social, cultural and other aims. They also managed to drag the components of the Palestinian polity, of all shades and colors, including the 'secular' and leftist movements into adopting, even if partially, this discourse and its terminology. It also succeeded in introducing several of these 'religious' terms in the Palestinian political lexicon with movements that do not adopt 'Islam' in their party ideology. The different political movements have consistently utilized religion for political aims, during the reporting period, especially the disagreeing sides represented in Ismail Haniyah's government in the Gaza Strip and Salam Fayad's in the West Bank, backed by Fatah and Hamas respectively. The deposed government in Gaza Strip persisted in directing their activities toward Muslim citizens exclusively during the reporting period. No activity targeting non-Muslim citizens was carried out by the Awqaf Ministry. All such activities were focused on teaching the Qur'an exclusively, and no attention was paid to the faithful of other creeds in the said Ministry's activities. With the beginning of the summer vacation in schools, the deposed government in the Gaza Strip inaugurated many recreational summer camps for pupils. The overt aim of these camps sponsored by and directed directly or indirectly the Awqaf Ministry, is memorizing the Qur'an and teaching the pupils God's Holy Book. Said Muneer Nassar, director of "Taj al Waqar camps" in Gaza Strip, these camps aim at creating a distinguished Qur'anic generation in the Palestinian society. And on April 16, 2009, Imad Al-Dajani, director of the Department of Inculcation, said that the aim of these camps is to "form a generation of memorizers of (Hafazat) the Holy Qur'an, and preserve the conduct of pupils and reinforce them in the Arabic language that is rooted in the Holy Qur'an. In the course of preparing for these camps Dr. Abdullah Abu-Jarbu' Assistant Undersecretary of Awqaf Ministry in the deposed government called the inculcators and the heads of departments of inculcation to "feel proud of their work and service to God's Holy Book and religion" and stated that the Ministry will make huge efforts to "promote memorizing God's Holy Book and the inculcators."

In the context of mixing religion, ideology, and politics and exaggeration in interpreting events based on religion and ideology, and in the aftermath of the Israeli aggression on the Gaza Strip early this year, Imad Dajani, acting-director of the department of inculcation on 16/4/2009, that "there is a conspiracy against the Palestinian people, some of its effects was to bomb mosques, kill people and inculcators and memorizers." He went on to say that calling the project by the name of "al-Furqan" is an extension of Surat al-Furqan in the Qur'an and seeing a good omen in the Furqan battle which was fought on the soil of Gaza. In the process of employing religion as a means of limiting public freedoms and intruding individual private lives, the Ministry of Awqaf and Religious affairs in the deposed government launched the campaign of "Yes to Virtue". Dr Abdullah Abu-Jarbu' Assistant Undersecretary of the Ministry of Awqaf and Religious affairs said that the Ministry took to organizing this campaign "in view of the spread of immoral appearances in

the Gaza Strip." He explained that the campaign was conceived as a result of a workshop organized by the Ministries of Awqaf, Interior, Justice, and the Police, and that the participants elaborated a number of recommendations that were submitted to the Cabinet with the aim of curtailing these phenomena, especially if cast in the form of a law that holds people accountable. Farhat clarified that the campaign will include many events and activities, and that it was started through sermons on Friday 12/6/2009. The campaign will include holding instructive weeks in all the central mosques of the Strip with an active participation of heralds and Ulemas depicting the phenomenon and the way to treat it and prevent it. He also specified that the Ministry is preparing posters, with writings and drawings, to be posted in public facilities, universities, and schools with the slogan of the campaign. It will also be supplemented with guiding instructions that will help deal with these dangerous phenomena. He drew attention to the fact that the Palestinian Police force will contribute to this campaign by deploying its officers permanently on the streets, and dressing them in phosphorescent jackets bearing the campaign slogan. Farhat also added that the campaign will offer drivers a cassette containing a sermon under the slogan of the campaign "Yes to Virtue" as a present, and that it will carry out field visits to women's shops and offer them propaganda pamphlets that deal with some infringements that take place in these shopping facilities, and attempt to quell the phenomenon of the dummy (where erotic dresses are exhibited in the shops show windows, in addition to photos of nudes).

According to Farhat the campaign will coordinate with al-Aqsa TV and Radio al-Qur'an and other parties to organize a program under the title of "The Guardians of Virtue" that will be presented by an elite of ulemas (theologians) and exemplary people in Palestinian society, in addition to discussing a number of issues for the same reason. Farhat warned people against falling into vice through participation in events that are contrary to Islamic Law. He reiterated his warning against social mingling in public places and wedding halls. He called for refraining from mixed social evenings without the minimum of supervision, he also warned against mixed student excursions, the spread of closed coffee shops and called for doubling the security apparatus efforts of surveillance of such places.

Farhat also warned against lack of surveillance on the Internet. This lack is providing an opportunity for all to circulate all sorts of obscene materials. He urged the prohibition of circulating or selling any flash memories loaded with porn scenes; the banning of Tramal tablets; sex stimulating chewing gum; the mingling in most Palestinian universities, coupled with the absence of clear decisions and the presence of indices of moral laxity in some locations, and indecent dress in public places and sea beaches. Limitations of the liberties guaranteed by the Palestinian Basic Law, and the way the officials of the Ministry of Awqaf and Religious Affairs in the Gaza Strip understand "virtue" drive us in the Ramallah Centre for Human Rights Studies to warn against pressing toward the formation of companies to protect "religion" tailored after the model existing in some states in the region; a model that was proven to curtail public liberties, and violate citizens' rights under cover of religion. In the other side of the Palestinian Authority's territories, i.e. in the West Bank,

we find that the way the Ministry of Awqaf and Religious Affairs understands its role does not differ much from that prevailing in the Gaza Strip.

The Political Discourse

During the reporting period, the two big movements on the Palestinian arena, Fatah and Hamas, persisted in exchanging accusations. Fatah calls the Gaza deposed government and Hamas "the putsch government", "the gangs", the "parties' militias", the "obscurantists". On the other hand, and when talking about the Ramallah government the deposed government in Gaza accuses it of being an "illegitimate government", "the Dayton gangs", the "conspirators", the "clients."

The language observed during the reporting period cannot express any kind of political tolerance. In the circumstance through which the Palestinian Cause is going, political tolerance could be understood as reaching certain political understandings that end the present disunion, mutual recognition of the other party's right to take part in the same political system. However, we can conclude from the statements monitored during the reporting period that each of the two sides, "governments" considers himself as the only legitimate one and refuses to recognize the other, and denies it any legitimacy. Each of the two sides talks about the highest national interest, and about national unity in the context of excluding others from legitimacy, and the right to participate.

At the end of the Israeli aggression on Gaza Strip on 22/1/2009 the Hamas media office issued a press release that mentioned " a concentrated mediatic campaign launched by the Dayton authority in Ramallah against the Hamas movement through a "press conference held by a certain Yasser Abd-Rabboh, Member of the Executive Committee of the Palestinian Liberation Organization devoid of legitimacy." On 24/1/2009 the electronic site of Palestine Press published a report concerning the "violations perpetrated by Hamas". The report mentioned "a systematic incitement against the sons of Fatah movement on the part of the leadership of Hamas militias in Gaza, through delivering messages..."to the leadership of the putsch in the regions". On 25/1/2009 and during a rally by Fatah movement in the city of Jinin, Ata AbuArmilat, secretary of Fatah in the region of Jinin said that Fatah will set a Palestinian tribunal to sue, hold accountable, and punish "Hamas gangs". On 31/1/2009 a press release was issued by the spokesperson for Fatah, Fahmi al-Za'areer, that considers the conflict with Hamas a structural one. Said he, "Hamas is since its inception a divisive and not a unifying movement...and all that is happening is decisive proof of its endeavour to abort any effort to unify the polity through dialog and reconciliation." In a press release issued by Hamas on 31/5/2009, we read, "after the armed clashes that flared in Qalqilya between the Palestinian security forces and an armed group known for its affiliation to Hamas movement, "we ascribe the prime responsibility for the assassination to President Abbas whose mandate is over, and to the Head of his illegitimate cabinet, Fayyad who gave the order to attack the heroes of resistance and to liquidate them to please the racial government of occupation.

2-Violation of the right to peaceful assembly

Violation of the right to peaceful assembly is another aspect of the political intolerance in the regions of the Palestinian Authority, a phenomenon that has remarkably increased during the reporting period. The attempt to annul the other and to confiscate his rights that are guaranteed in the Palestinian Basic Law only portend more aspects of intolerance that leads to fanaticism and self-isolation.

Violations against the citizens' right to peaceful assembly

Both the West Bank and the Gaza Strip witnessed numerous incidents in which security forces either stopped or attacked peaceful rallies and assemblies.

On 21/3/2009 the deposed government informed the organizing party of the events of al-Quds a Capital of Arab Culture its banning of the celebration that was set simultaneously with the central celebration in Beit Lahm, in the Saint Family School in Gaza City. On 25/3/2009 the deposed government police in Gaza Strip prohibited the celebration of a funeral oration organized by Hay'at al 'Amal al-Watani. According to the organizers, the prohibition was not justified. In the Rafah district, the police put off, without clarification, a tribute organized by the Little Parliament in the hall of Rafah Services sports club in honor of a number of journalists and civil society organizations on 7/5/2009. The deposed government police apparatus in Gaza Strip banned all demonstrations that were organized on 14/5/2009 to commemorate the day of Nakbah. The organizing body of this event declared that they had obtained a written permission for this event from the director general of the said police. On 13/6/2009 elements of the deposed government general security apparatus in Gaza Strip opened fire on a group of demonstrators participating in a peaceful rally organized by Popular Front for the Liberation of Palestine to demand a cessation of the rift, and injured three of them.

-In the West Bank: the Palestinian security apparatus barred, on 2/1/2009, a rally called for by Hamas movement in al-Khaleel (Hebron) from proceeding from a mosque in the direction of the wide street, as a result a group of participants threw stones at the policemen injuring many. Another number of participants were also injured as result of being hit with batons by the police force, and the rally was dispersed. On 2/1/2009 the national and Islamic forces in Ramallah organized a demonstration in solidarity with the Gaza Strip, and in the course of the demonstration a number of participants hoisted Hamas banners, and some called for confronting the occupying forces, the security forces retorted by beating demonstrators to disperse the demonstration, and that resulted in injuring a number of participants and arresting around twenty of them.

On 2/1/2009 the national and Islamic Forces in Nablus organized a rally in solidarity with the Gaza Strip. During the march, some participants hoisted Hamas banners, and cried slogans calling for revenge from Israel, the security forces responded by beating up the demonstrators in order to disperse the rally. The police intervention resulted in several injuries in the ranks of the latter, and the rally disbanded. On 5/1/2009, students in Birzeit University organized a peaceful demonstration in solidarity with their fellow citizens the

inhabitants of Gaza Strip, the demonstrators moved from within the Campus to the turn of Atara, when, they reached downtown Birzeit they ran into a Palestinian security road block. Policemen, then, took to beating the students with batons causing various wounds and bruises in not less than 50 male and female students. On 9/1/2009 Palestinian factions and organizations in Ramallah called for a rally in solidarity with the inhabitants of Gaza Strip. When the march started from one of the city's mosques security forces blocked their way, arrested a number of participants, and assailed those who hoisted Hamas banners. Batons and tear gas were used to disperse this peaceful demonstration. On 25/1/2009 Palestinian security forces dispersed a mass sit-in in the al-Khaleel city (Hebron), organized by the families of political detainees, using batons and tear gas bombs causing a number of casualties and cases of suffocation amongst demonstrators.

3-Violation of the right of organizing syndicates, associations, unions, and leagues

The reporting period witnessed violations with regard to charitable associations and civil society organizations in both the West Bank and the Gaza Strip. A number of these institutions suffered closure, control or attack either from security forces or "unidentified" aggressors.

In the West Bank, a company of the preventive security apparatus closed the "Jam'iyah 'Ilmiyya" in the village of Qabalan in Nablus district. On 15/3/2009, "unidentified" aggressors set al-Hurriyya Theater in Jineen on fire. On 25/4/2009, "unidentified" aggressors assailed a bus belonging to "Ibda" center in al-Dhaysha Refugees Camp near BeitLahm, and broke its windshields.

In the Gaza Strip

On 2/2/2009, the deposed government interior security apparatus stormed the National Media and Communication center in Gaza City, smashed the furniture and the documents. On 12/2/2009 the center for the Protection of Child and Family in Khan Yunis suffered shooting and then was set on fire. On 16/4/2009 the deposed government Ministry of Interior took over the Charitable Association of the Friends of the Sick in Gaza city. On 27/6/2009, a company of the deposed government police apparatus took over the headquarters of Jam'iyyat Dar al-Shabab for Arts and Culture in Jabalya city.

4.Violations of the Freedom of opinion and the Right of expression

Recognizing the Other's right to express his opinion in all available manners is one of the main pillars of political tolerance. Political tolerance presupposes that the different other is the part that complements the picture. No tolerant polity can survive under attempt by each party to deny the other and confiscate his right to free expression. The reporting period, witnessed the continuation of violations of freedom of expression that touched the media outlets and those working in them. The biggest part of these violations took place in both the West Bank and the Gaza Strip. Both Al-Ayyam and Al-Hayat newspapers are still not allowed to be circulated in the Gaza Strip, in addition to other media outlets that the deposed government considers affiliated to

Fatah or to the Palestinian Authority in Ramallah. Conversely, both Palestine and al-Risala newspapers are not allowed to be circulated in the West Bank, in addition to other media outlets that the Ramallah government considers affiliated to Hamas. Some other media that are considered affiliated to this or the other side ceased operations by their own decision to avoid being targeted by attacks on their premises or on their personnel. On 7/3/2009 a bomb was found at the entrance of the office of Al-Jazeera TV channel in Gaza city. One of the TV crew had previously received phone threats concerning the operations of this office in the Gaza Strip. On 7/2/2009 the deposed government asked the newsman Wael AbdelQader, the delegate of the Arabiyya TV channel covering the war on Gaza to leave the Strip without any justifications, and accompanied him to the Rafah border crossing. On 18/3/2009 the deposed government security apparatus summoned journalist Sakhr Abu Aoun, the secretary of the Journalist Union in Gaza Strip, interrogated him on the background of issues relating to the said Union, confiscated his passport and ID. On 28/6/2009, police officers of the deposed government arrested a group of Hizb al-Tahreer activists while distributing to people in public places a statement critical of the Gaza government.

In the West Bank

On 2/1/2009 the Palestinian security forces barred journalists from covering a peaceful rally in solidarity with Gaza Strip, called for by the national and Islamic forces in Ramallah. Journalists participating officially were assailed. One of them suffered a broken nose bone. On 2/1/2009 journalists were barred from covering a rally called for in Al-Khaleel (Hebron) starting from one of the city's mosques. Journalist Najeeb Farraj, a reporter of Al-Quds newspaper, received threats on 8/1/2009, from one policeman after he published photographs he took while covering a rally organized in BeitLahm in solidarity with the Gaza Strip inhabitants. On 18/1/2009, the preventive security apparatus in Al-Khaleel (Hebron) arrested journalist Khaled al-'Amayra during an interview he had with Al-Quds TV channel, in which he criticized the Palestinian authority. On 24/1/2009, the preventive security apparatus in Nablus arrested the reporter Samer Khwayra, the correspondent of Al-Quds TV channel. On 25/1/2009, Palestinian security forces barred journalists from covering a popular sit-in organized by the political detainees in the city of Al-Khaleel (Hebron). On 26/1/2009 the preventive security apparatus arrested the news photographer Issam al-Rimawi, who works for the Palestinian News Agency Wafa from his office in Ramallah. On 26/1/2009 the preventive security apparatus of Ramallah arrested the correspondent of AP news agency, journalist Issam al-Asmar. On 26 /1/2009 the Military Intelligence Service in Nablus arrested journalist Ahmad 'Ata Bikawi who works as a correspondent for Al-Quds TV. On 7/1/2009 "unidentified" aggressors fired on the building of Al-Hayat al-Jadida newspaper in al-Bireh city. On 19/1/2009, "unidentified" aggressors opened fire on the building of Al-Hayat al-Jadida newspaper in al-Bireh. On 30/2/2009, the building of Al-Hayat al-Jadida newspaper in al-Bireh was targeted by bullets from "unidentified" aggressors. On 21/3/2009 the preventive security apparatus arrested the correspondent of Filasteen

newspaper journalist Mustafa Ali Abdullah Sabri, in Qalqilya city. On 18/5/2009, the preventive security apparatus arrested journalist Asyad al-'Amarneh from al-Dhaysha Refugees Camp because of his working with Al-Aqsa TV channel.

Violation of the right to move and the freedom to circulate

Gazan citizens continued, during the reporting period to suffer the continuation of the blockade and the closure of crossing points by the Israeli occupation authorities. They also suffered from the continuation of the internal impediments such as the inability of the Gaza Strip inhabitants to acquire passports from the Ministry of Interior in Ramallah, or the confiscation of their travel documents by the deposed government security forces. The issue of passports still represents the greatest handicap to their capability to travel. Despite the issuance on 25/8/2008 by the President of the Palestinian Authority of a decree ordering the relevant authorities in Ramallah government to take the necessary measures to continue providing the books related to passports for the Strip inhabitants, the Ministry of Interior in Ramallah refuses to send such books to Gaza Strip. Conversely, the deposed government security apparatus bars some citizens from leaving the Strip either through the crossing of Bayt Hanoon or Rafah.

In the Gaza Strip:

The deposed government security forces barred two Palestinian citizens from traveling to Egypt without giving any reasons. On 24/4/2009 the deposed government police barred a student in an Egyptian university from traveling through the Rafah crossing point, they forced him out of the bus and ordered him to cut his long hair, then they themselves forcefully cut his hair. On 8/4/2009, a force of the deposed government security apparatus barred two citizens from traveling through the Bayt Hanoon crossing to participate in the preparation of the Fatah movement convention. On 17/5/2009 the deposed government security apparatus barred a graduate student at one Egyptian university from leaving the Gaza Strip through the Rafah crossing, confiscated his ID, and informed him that he is barred from traveling for political reasons. On 18/5/2009, the police officers at the Rafah crossing barred one citizen, a lecturer at the Al-Aqsa University from traveling to Egypt. They did the same to another citizen, a student at one Egyptian university. On the same date a lady was barred from traveling through Bayt Hanoon crossing to the West Bank to sit for the Palestinian Medical Board. On 19/5/2009, the deposed government security apparatus barred two citizens from traveling through Bayt Hanoon crossing and confiscated their IDs. One of them is an ex-minister and the other is the chief administrative officer in one of Gaza's universities. On 20/5/2009, the deposed government security apparatus barred a feminine delegation of 84 members of the General Union of Palestinian Women from heading to Ramallah to participate in the General Convention of Palestinian Women, and confiscated their IDs. On 31/5/2009, the deposed government internal security apparatus barred four Gazan Members of Parliament from the Fatah Parliamentary Bloc, from heading to the West Bank, and confiscated their travel documents. On 24/6/2009, the deposed government policemen barred 9 citizens of the Gaza Strip

inhabitants, all of whom are members of the revolutionary council of Fatah movement, from heading to the West Bank. They were arrested, detained and had their IDs confiscated. During the reporting period, one unique case of barring from travel was recorded in the West Bank: on 3/6/2009 the West Bank government security apparatus barred six Members of the Change and Reformation Bloc in the Legislative Council from entering the city of Qalqilya.

Detention and assault based on political affiliation

One of the aspects of political intolerance that went on during the reporting period was detaining people or assaulting them based on their political affiliation. Both "governments" in the West Bank and the Gaza Strip are still practicing political detention as an aspect of rejecting the other and refusing to acknowledge him as a partner. These detentions are cloaked, in official statements, under the guise of accusation of "a crime, or a felony" or what not. Both governments adamantly refuse to recognize the practice of political detention. During the reporting period, 960 cases of political detentions by the different security apparatuses were recorded: of which 582 in the West Bank, and 378 in the Gaza Strip. In the month of June 2009, the number of detainees was 148 in the West Bank, and 149 in the Gaza Strip; in the month of May 2009, the number was 120 in the West Bank, and 43 in the Gaza Strip; in the month of April 2009, the number was 82 in the West Bank, and 26 in the Gaza Strip; in the month of March 2009, 84 in the West Bank, and 37 in the Gaza Strip; in the month of February 2009, 60 in the West Bank, and 53 in the Gaza Strip; and in the month of January, 88 in the West Bank, and 70 in the Gaza Strip.

In the same vein, a number of assaults due to political affiliation were recorded, some even resulted in death.

In the West Bank:

On 19/4/2009 Member of Parliament, Hamid al-Beitawi, from the Change and Reformation Bloc was targeted by gunfire from a member of Preventive Security apparatus in the city of Nablus, which resulted in an injury in his leg.

On 15/6/2009 Citizen Haytham `Abdullah Amr, from Al-Khaleel district inside a detention and interrogation center belonging the General Intelligence Service.

In the Gaza Strip:

On 2/1/2009 citizen Basheer Ulayyan al-Zaytooneh, from Gaza city, passed away after he was apprehended by the security apparatus from his house on 29/1/2009. His body was later found in al-Shifaa' Hospital in Gaza city. On 6/2/2009, citizen Jameel Shafeeq Shaqqura, from Khan Yunis, passed away after he was detained by the Interior Security Forces. On 7/2/2009, citizen `Ata Yusef al-Bura'y, from Gaza city, died after he was apprehended from his house by an armed group who claimed to belong to the police apparatus, and beaten up. He was then transported to the hospital where he passed away. On 9/2/2009 citizen Nuhad Sa'di al-Dabbakeh, from al-Maghazi, died after he was detained by the Internal Security apparatus. On 16/2/2009, citizen Zayed `Ayesh Jrad, from Rafah city, died after being detained by the city police. On 24/3/2009, citizen Jameel Nasr `Assaf, from Gaza city, died after being detained in al-Tuffah police station in the city. In addition to what

preceded, cases of torture have been detected in both the West Bank and the Gaza Strip. The number of cases of torture that have been monitored during the recording period amounts to 141 cases during detention or arrest by the security forces in both the West Bank and the Gaza Strip, of which 91 in the West Bank and 50 in the Gaza Strip.

Exclusion from office and cessation of salaries

The issue of exclusion of, and replacement in office, belongs to economic rights. However, the fact that both governments resort to the policy of exclusion from office and replacement in office on the background of the conflict raging between Fatah and Hamas drove us to include this issue in the wider subject of political tolerance.

Exclusion from office is not a new practice. The Palestinian Authority, since its inception, gave priority and special attention to members of Fatah movement in holding offices, especially higher ones, and more specifically in the security apparatuses, and ministries of sovereignty. However, after the victory of Hamas in the legislative elections in January 2006, and the formation of National Unity cabinet, the system of allocation of offices became a means of political bickering, in both civil and security functions between the two movements. During the reporting period both governments, in Ramallah and in Gaza, persisted in the policy of exclusion from office, and threatening to lay off civil servants who do not abide by their instructions. During the six months of this reporting period, 226 cases of dismissal or exclusion from public office were monitored; the majority of which are functionaries in the Ministry of Education in the West Bank. These civil servants were fired due to decisions made by the Minister of Education in the West Bank. The decision was justified, according to the dismissed persons, by their failure to obtain a recommendation or approval from security authorities not allowed legally to issue such documents. This means that public function has become linked to "security" approval, and that is a clear contravention of the Palestinian Basic Law, and the regulations of civil service; it represents a violation of the citizen's right to hold public office without discrimination. The aspects of political intolerance do not stop at what has been already mentioned, it exceeded it to communicate through bullets and murder; the two incidents that occurred on 31/6/2009, and before that in 4/5/2009 in Qalqilya when the Palestinian Security Forces clashed with Izzudeen al-Qassam Battalions, the military wing of Hamas, which caused 9 deaths on both sides, are a clear proof that absence of political tolerance is necessarily bound to lead to what is worse than negating the other "morally", and go beyond that to attempts and steps to negating him physically. Despite the relative improvements in the state of internal security, which can be felt in the disappearance of the aspects of mayhem and the taking of law into one's hands, there are numerous phenomena that still negatively affect social intolerance; such as the crimes called "family honor crimes", or "blood feuds", the personal and family brawls which reflect the deterioration of the state of social intolerance.

Killing under the guise of so-called family honor crimes:

Palestinian society still views woman as a second rate human being. This short-sighted view is affecting women's role in the political, economic, and

social spheres, in addition to confiscating her right to live under the guise of the so-called honor crimes which receive attenuated verdicts—which amounts to playing fast and loose with the life of human females.

In the West Bank

On 12/3/2009 a seventeen year old girl from Qalqilya was strangled with an electric cable by her brother, and the incident was subsumed under the so-called family honor crime. On 7/6/2009 al-Khaleel (Hebron) police officers discovered the dead body of a 32 year old female citizen. She was killed under the alibi of family honor crime. On 13/6/2009 al-Khaleel (Hebron) police officers discovered the dead body of a 39 year old female citizen in her family house. They later found out that she was killed on the ground of the so-called family honor crime.

In the Gaza Strip:

On 24/3/2009, a 31 year old young woman, from al-Maghazi Refugees Camp in the Gaza Strip died of stabs with sharp edged tools, in her parents house, under the alibi of the so-called family honor crime. On 9/4/2009, three Gazan citizens including a child were killed on the ground of so-called family honor crime. On 12/4/2009, a 28 year old female citizen, from the Nusayrat Refugees Camp, died after her brother strangled her on the ground of so-called family honor crime. On 10/4/2009, a citizen from Dayr al-Balah strangled his 22 year old daughter on the ground of so-called family honor crime, and then surrendered to the police.

Death due to individual brawls and conflicts, and the armed bedlam

Despite the security measures adopted by both governments in the West Bank and the Gaza Strip, with regard to using guns outside the framework of "the elements of the security apparatus," and despite prohibiting the carriage of guns by civilian, and confiscating them, the phenomenon of using guns in settling differences is still prevailing. The phenomenon of owning personal guns is widespread in the Palestinian society. The center has recorded during the six months reporting period 68 cases of death resulting from personal conflicts, family brawls, blood feuds, misuse of arms and armed clashes. These cases were distributed on both the West Bank and the Gaza Strip as follows: 24 cases in the West Bank, 44 cases in the Gaza Strip. The distribution of cases over the months is as follows: 11 cases in June, 13 cases in May, 5 in April, 5 in March, 7 in February, and 27 in January of which 22 cases were in Gaza Strip.

Encroachment on Public and private property

Several private properties were targeted by violations that were considered due to opposing the activities they carry out, or due to personal differences. During the reporting period, 19 cases of trespassing private or public properties were recorded; varying between arson, breaking, shooting, etc...10 cases were recorded in the West Bank and 9 in the Gaza Strip.

Four: Legal Tolerance

Including legal tolerance in this report may be useful in pointing out that the aspects of tolerance are countless. Tolerance is a way of living. Wherever there is a human relationship, man finds room for tolerance. Human relationships are built on a set of laws and customs, and the relationship between individuals within the same society is ruled by the social contract based on a set of laws. Any flaw in these laws might push in the direction of intolerance in that society.

1. Capital punishment

Palestinian laws generally abide by the international covenants on human rights. However, there are some texts in the Palestinian laws that are greatly incongruent with these instruments, especially the death sentence that is still in force in the areas ruled by the Palestinian Authority. This is a major violation of the individual's right to live. The principles of tolerance require refraining from retaliating to crime by another legally cloaked crime. The call for abolishing capital punishment does not in the least mean being tolerant with those indicted with grave crimes; for there are sanctions that can deter the culprit, and at the same time balance our humanity with the consistency of Palestinian Laws with the international instruments and conventions on human rights.

Palestinian courts went on, during the reporting period, with issuing death sentences. 12 such sentences were monitored during this period, two of which in the West Bank and 10 in the Gaza Strip. For these sentences to be executed they need the approval of the President of the Palestinian Authority. The President had not yet approved all of these 12 sentences by the time of writing this report.

2. Executing the Courts Verdicts

The sovereignty of the law and the fairness in its implementation are foremost among the pillars of legal tolerance. Chief among the requirements of justice that lead society to tolerance is for the authorities delegated to implement the courts' decisions, to perform their duty diligently. During the reporting period, the security apparatuses in the West Bank were still reluctant to carry out numerous decisions issued by the Palestinian courts, including the Palestinian Higher Court of Justice, especially with regard to political detainees, and more specifically those who were arrested by a decision issued by the Chief Justice of the Military Court. During the reporting period 42 court decisions were passed by the Palestinian courts in the West Bank, and not one of them was executed. Unwillingness of the security apparatuses to implement courts decisions is a usurpation of authority, a flagrant breach of the Judiciary standing and dignity, and a clear violation of articles 11 and 12 of the Basic Palestinian Law. The security apparatuses infringement of the Judiciary standing did not stop at unwillingness to execute its decisions, but went further to aggress one of the justices personally. On 18/3/2009, Nizar Attiyah, deputy chief Justice of the BaytLahm Court, Fawaz Ibrahim was aggressed by a company of the Palestinian National Security Force, despite the fact that he made his identity and function known to his aggressors.

Two: Political Tolerance

The political discourse used in communication amongst the components of the Palestinian polity, especially between Fatah and Hamas, is still based on negating the other and on incitement against him. This is leading to more political intolerance, more attempts at excluding opposition, marginalizing its role, and violating its right to act and organize.

1. In both the West Bank and the Gaza Strip, the security apparatuses go on violating citizens' right to peaceful gathering, especially those peaceful gatherings called for by citizens themselves (demonstrations, rallies that are not called for by the authority or Fatah in the West Bank, nor by the deposed government or Hamas in the Gaza Strip). This suppression and these violations have become the prevailing norm of conduct for the security apparatuses—this may lead to generalize the culture of violence, exclusion, and intolerance.
2. Both governments in the West Bank and the Gaza Strip violate the right of free opinion and expression, and the right to organize unions, and practice physical aggression and detention on political grounds.
3. Both governments in the West Bank and the Gaza Strip use to various degrees the methods of exclusion from, and replacement in office, and cessation of salaries, in contravention of the plainest human rights norms.

Third, Social Tolerance

No improvement in the aspects of tolerance toward women was recorded. The phenomenon of intolerance toward women and discrimination against them continued including "targeting them by violence and murder under the pretext of family honor crimes". Despite the relative stability in the internal security situation in both the West Bank, and the Gaza Strip, violations of private and public property, and the cases of killing as a result of family brawls or family blood feuds continued.

Fourth, Legal Tolerance

The laws in force in the West Bank, and the Gaza Strip, allow capital punishment, and the courts of justice still pass verdicts that include this sentence; the positive thing is that these verdicts are not approved by the President.

The security apparatuses in the West Bank still allow themselves to contravene the decisions issued by Palestinian courts of justice, in failing or being unwilling to implement them. This is usurping power and encroaching on the judiciary which is one of the most important pillars of good governance and the state of law that leads to a state tolerant of the citizenry.

Recommendations

During the 12 months period of this report the various regions of the Palestinian Authority witnessed several aspects of intolerance, on the level of state institutions, and society. This phenomenon necessitates warning against its dangers, and proposing recommendations for fighting it and suppressing any attempts to widen its scope.

Based on the results of this report and its cumulative experience in working on tolerance, the Ramallah Center for Human Rights calls for the following:

1. To start immediate serious action to root out all aspects of violence and intolerance on both the official and popular levels, and this necessitates fighting the reasons that produced these phenomena, be they political, economic, social, or cultural.
2. Since the essence of tolerance is built on the principle of the right to be different, therefore it is necessary to emphasize this right and respect its implementation.
3. Achieving tolerance requires enlarging the margins of public freedoms, chief of which is the right to freedom of belief, whether religious or other, and the freedom of opinion and expressing it, and the right to organize unions, peaceful gathering, and political pluralism. Therefore it is necessary to translate all this on the legal and legislative levels, and the level of implementing the legal and legislative instruments.
4. These demands cannot be achieved without revising the socialization processes and adopting programs that develop the culture of tolerance first inside the family and second in the school and university.
5. It is not possible to achieve the previous recommendation without emphasizing the importance of developing the culture of tolerance in pupils, and improving the school curricula and ways of teaching in a way congruent with achieving these aims.
6. The partisan education and indoctrination, and the prevailing political discourse are among the reasons that contributed chiefly in generating the present aspects of political intolerance. It is essential to eradicate all forms of partisan fanaticism, and incitement against the politically different in order to widen the spheres of tolerance.
7. The programs aiming at disseminating the culture of tolerance must be fair to women and must abolish all forms of discrimination against them, first because this is their inalienable right, and second because this will enable them to disseminate this culture and inculcate it to their children.
8. There must be an end to using the religious discourse against the culture and values of tolerance, through incitement against the politically, religiously, or culturally different.
9. Orienting the different media and making the most out of them to develop a public opinion that opposes all forms of extremist trends.
10. Disseminating the language of dialogue and acceptance of difference; increasing the interest of civil society organizations in generalizing the culture and values of tolerance; fighting all aspects of fanaticism, prejudice and discrimination; criticizing the performance of authorities in order to protect human rights.