



Submission to the Special Rapporteur on the Protection and Promotion of the Right to Freedom of Expression and Opinion: The Impact of the Occupation on the Right to Freedom of Expression and Opinion within the Occupied Palestinian Territory

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Introduction

The Women's Centre for Legal Aid and Counselling (WCLAC)ⁱ are concerned that the Special Rapporteur's mandate is too focused on violations of the right to freedom of expression and opinion that face the media. WCLAC wish to stress that a refocus is required in the context of the occupied Palestinian territory (oPt). There is no doubt that the media face censorship and journalists are subject to intimidation, but it should not be forgotten that the abuse of the right to freedom of expression and opinion is heavily felt within civil society due to the constraints of the occupation.

Peaceful demonstrations, opinion pieces and political activism against the occupation are responded to with excessive force, house raids, arrests (many administrative/arbitrary) and denial of the rights to education, work and freedom of movement. Nevertheless, it is common for supporters of the occupation, especially Israeli settlers, to be allowed to express themselves with the protection of the Israeli army, even if it infringes upon the rights of others.

Case Study: a-Nabi Salehⁱⁱ

A study of a-Nabi Saleh provides a clear example of how people within the oPt who actively exercise their right to freedom of expression and opinion are treated, especially if it is an opinion which the Occupying Power does not agree with.

Since December 2009 the residents of a-Nabi Saleh and sympathetic peace activists have taken part in a weekly demonstration opposing the expropriation of Palestinian lands for settlement development and the restrictions on movement imposed concerning the village and the lands surrounding such settlements. Due to the expansion of the Halamish settlement (which was established on Palestinian lands in 1977), the residents of a-Nabi Saleh have had half of their lands expropriated for settlement development and face restricted access to their other lands, including the Ein al Qaws Spring.

These peaceful demonstrations take place every Friday and have done for the last two years. They call for a vindication of the rights of the residents of a-Nabi Saleh, including equality, freedom of movement, right to education, right to work and right to property. The demonstrations, though peaceful and taking place on Palestinian lands, have been met with



increasingly excessive force from the Israeli army. The Israeli army have attempted to suppress this expression of opinion through the use of crowd controlling measures such as tear gas, stun grenades, skunk water and rubber coated bullets. On occasion live ammunition has also been used against demonstrators. Such a response against peaceful demonstrators is in itself excessive, however when these measures are used as weapons, as they are across the occupied territory by the Israeli army, it becomes a case of state actors threatening the life and bodily integrity of civilians. These 'crowd control' measures are used indiscriminately against the crowd, in many cases being fired directly at individuals from close range. This has caused severe injuries to peaceful demonstrators and bystanders, the youngest being Hamada Tamimi (11) who suffered life-threatening internal injuries after being hit by a teargas canister at close range. There have also been instances of teargas and skunk water being fired directly into houses and at bystanders watching from their roofs. These events have a lasting physical impact not only on people's properties but they also leave physical, emotional and psychological scars, particularly for women, children and the elderly.

The Israeli army's attempts to deter the residents' from exercising their right to freedom of expression and opinion are not limited to Friday's events, they spread over the week. In addition to the road closures that occur on a Friday, the roads into and out of a-Nabi Saleh are frequently and randomly closed throughout the week. This has a huge negative impact not only for the residents of a-Nabi Saleh, but the 10,000 residents of the surrounding villages who are provided with access through a-Nabi Saleh. Such closures make it extremely difficult and at times impossible for people to attend school, go to work and visit their families. This violates a number of rights and adds to already existing hardships, particularly financial difficulties.

Furthermore, as an act of intimidation the Israeli army carry out raids and house searches which usually take place without warning in the dead of night. This involves ransacking houses, subjecting families to ill-treatment and fear, and invading privacy and property rights. The residents of a-Nabi Saleh live in a constant state of fear and all because they have chosen to stand up against the occupation through exercising their right to freedom of expression and opinion. As one woman from the village states "soldiers have access to the best intelligence in the world and yet they break into homes of people who have nothing to do with anything, frighten young children in the middle of the night and scare the hell out of us. This is meant to terrify us, to keep us wondering what might come next and to stop us protesting the loss of our land".¹

Indiscriminate arrests are also used to intimidate the residents of a-Nabi Saleh into submission. Only yesterday Wessam Tamimi (16) was arrested without explanation on his way to school. Two weeks before Mo'atasseem (16), Udai (18) and Rami (33) all of the Tamimi family were arrested without explanation following a night raid. In general those

¹ Extract from a female resident of a-Nabi Saleh's testimonial taken by WCLAC staff following the 24 November 2011 night raids. A full version of this testimonial can be obtained by contacting by WCLAC.

who are arrested are detained with no knowledge of the charge against them and no access to legal representation. There have also been cases where the Israeli army have tried to get detainees to sign documentation which amounts to an admission of guilt for false charges and when the detainee refuses they revise the charges until either the detainee, who is innocent of all charges, agrees to a plea bargain for their freedom or the army simply gets bored. Furthermore, while in detention detainees are subjected to ill-treatment including being denied food and water, and women being placed in the same cells as men. There is also evidence to suggest that the military courts used to try the accused are biased.²

A denial of freedom of movement into and out of the oPt has also had a negative impact upon the right to freedom of expression and opinion. Those who seek to travel to international conferences to tell of their experiences and express their opinion of the occupation are frequently met with obstacles and/or a prohibition on travel. There have been occasions where the Israeli authorities have denied permits to travel to embassies in Jerusalem for visa interviews, which prevents those affected from being able to obtain the required documents for authorised travel. There have also been reports of people with all the required documentation reaching the Israeli checkpoint and being prohibited from continuing their journey. There are others who have been banned from leaving the oPt in all circumstances. All of these cases have become victims of a discriminatory, unpredictable, non-transparent and unjustified policy of the Israeli authorities which is aimed at preventing victims of the occupation from exercising their right to freedom of expression and opinion both domestically and internationally.

Conclusion

This briefing paper only provides a summary of how the right to freedom of expression and opinion, along with a range of other human rights, are violated within the oPt at the hands of Israel, the Occupying Power. The suffering experienced by a-Nabi Saleh at the hands of Israel is just one example of the violations that occur every hour, of every day across the oPt. It is not only the media that is subjected to restrictions on the right to freedom of expression and opinion, the brutal denial of this right is felt by every individual, man, woman and child, across the oPt.ⁱⁱⁱ

² Chaim Levinson, "Nearly 100% of all military court cases in West Bank end in conviction, Haaretz learns", *Haaretz*, 1 December 2011.



ⁱ The Women's Centre for Legal Aid and Counselling (WCLAC) was established in Jerusalem in 1991 as an independent Palestinian, non-profit, non-governmental organization seeking to contribute to developing a democratic Palestinian society based on principles of equality and social justice between men and women. By forging a feminist vision based on equality and social justice, WCLAC has played a prominent role in addressing gender-based violence in Palestinian society in both private and public spheres.

For nearly two decades, the Centre's work has bridged the need to address discrimination and violence against women within Palestinian society, and the need to support the national struggle for freedom and independence from Israeli occupation. For WCLAC, both these issues are crucially important, and indeed, related. The protracted military occupation of Palestinian lands limits women's safety, independence, self-determination and blocks women's citizenship in a Palestinian nation-state. In addition, national resistance against the occupation can be a factor limiting women's development as it treats women's needs as being of secondary importance.

ⁱⁱ A full report on the suffering of a-Nabi Saleh is due for release by WCLAC in 2012.

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For further information on the impact of the occupation from a women's perspective visit our 'Women's Voices' website at <http://www.wclac.org/ihl/>.