



Al-Haq report to the Human Rights Committee on the List of Issues in relation to the comprehensive initial report of the State of Palestine

May 2, 2022

Introduction

1. The State of Palestine submitted its comprehensive initial report under Article 40 of the International Covenant on Civil and Political Rights (ICCPR) to the United Nations Human Rights Committee (Committee). On 16 November 2020, the Committee officially received the State of Palestine's report.¹ Under Article 40 of the ICCPR, the report should be submitted within one year of the entry into force of the Covenant for the State of Palestine, namely, in 2015.
2. The study by the Committee addressed the impact of the Simplified Reporting Procedure (CCPR/C/123/3). Accordingly, this approach has been officially adopted as part of the working methods of the Committee. Against this background, the methodology of this report casts light on a List of Issues (LOIs) proposed to the Committee to be sent to the State of Palestine (Palestine) in the light of the Comprehensive initial report submitted by Palestine to the Committee.
3. Al-Haq highlights that in no way do the issues dealt with by this report exempt Israel, the Occupying Power, of its legal responsibilities under international law, particularly International Human Rights Law (IHRL), International Humanitarian Law (IHL), International Criminal Law, Advisory Opinion of the International Court of Justice of 2004, and relevant resolutions of the United Nations General Assembly and Security Council. At the same time, it does not relieve Palestine of its responsibilities by virtue of its accession to the ICCPR.
4. Palestine did not submit its common core document, nor has it so far published the ICCPR in the Palestinian Official Gazette. Article 10 of the Amended Palestinian Basic Law (Constitution) provides that "(1) Basic human rights and liberties shall be protected

¹ [Initial report submitted by Palestine under article 40 of the Covenant](#), CCPR/C/PSE/1 (2020).

and respected. (2) The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.” In effect, international conventions which Palestine accedes to are binding and have the force of the constitution in accordance with the principle of the “unity of law,” rather than the “dichotomy of law.” International conventions do not require domestic legislation to become applicable. However, contrary to the Constitution, the Palestinian Supreme Constitutional Court (SCC) Decision no. 5 (2017) stipulated that international conventions must be incorporated into national laws to enter into force nationally, thereby disrupting the enforcement of these international conventions. Also, the SCC Decision no. 4 (2017) provided that the implementation of conventions depends on the extent to which they are consistent with the “national, religious, and cultural identity of the Palestinian people,” rendering conventions meaningless, this ruling is in conflict with the provisions of the Palestinian Basic Law and the SCC Law, which do not vest the SCC with these powers. The SCC was widely criticised by Palestinian civil society because it was formed in contrariety with the Basic Law and SCC Law, and so are many of its judgements.

5. Palestine has not acceded to the First Optional Protocol to the ICCPR, allowing individuals to submit an individual complaint to the Committee if one of their rights under the ICCPR has been violated, but became a party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. Still, the Second Optional Protocol has not been published in the Palestinian Official Gazette. On the other hand, Palestine published the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination in Issues 181 (27 July 2021) and 179 (26 May 2021) of the Palestinian Official Gazette respectively.

6. Al-Haq recommends that the Committee include that the State Party has not acceded to the First Optional Protocol, nor has it published the Second Optional Protocol and other fundamental human rights conventions, to which it has accessed, in the Palestinian Official Gazette. These are, namely, the Convention on the Elimination of All Forms of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Persons with Disabilities, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Optional Protocol to the CAT. This effectively means that the said instruments are not applicable domestically.

Also, Al-Haq recommends that the Committee ask the State Party about the implementation of fundamental human rights conventions in light of the SCC Declaratory Judgement; the legal value of core conventions after they are published in the Official Gazette, and the reasons behind not publishing the ICCPR and other conventions thus far.

Al-Haq further recommends the Committee to inquire from the State Party about the steps taken to integrate the provisions of the ICCPR into the Palestinian legal system; to indicate

the legal effect of the ICCPR in the Palestinian legal system; demonstrate whether the State Party intends to publish the ICCPR in the Official Gazette, and clarify the legal impact of such publication.

Article 1

7. Addressing the right to self-determination, paragraph 12 of Palestine’s report makes reference to the constitutional setting; Palestinian presidential elections were last held in 2005, while elections of the Palestinian Legislative Council (PLC) (Palestinian Parliament) were last held in 2006. The internal Palestinian political division and Israeli occupation have made it impossible to hold regular elections since then. On 15 January 2021, President Mahmoud Abbas promulgated a presidential decree ordaining the holding of national (presidential and legislative) elections, under the supervision of the independent Central Elections Commission (CEC). However, on 30 April 2021, the President enacted a decree cancelling the elections, ostensibly because the Israeli occupying authorities did not agree to organising the elections in Jerusalem. The Palestinian President is not vested with the power to cancel the national elections. Of note, although Article 103 of the Basic Law does not allow the dissolution of the PLC, in late 2018, the PLC was unconstitutionally dissolved by an SCC decision.

Moreover, Palestine did not comply with the concluding observations of treaty bodies, which stressed the need for the reconvention of the PLC. In its Concluding Observations on the initial report of Palestine ([CEDAW/C/PSE/CO/1](#)), the Committee on the Elimination of Discrimination against Women (CEDAW) emphasised in paragraph 8 “the crucial role of the legislative power in ensuring the full implementation of the Convention” and invited “the State party to take all appropriate measures to urgently convene” the PLC. The Committee on the Rights of the Child also urged Palestine to “[e]xpediently schedule and organize national elections, including for the Palestinian Legislative Council.” Al-Haq recommends that the Committee include the scheduling of national elections among the key issues in the LOIs.

Article 2

8. Paragraph 26 of Palestine’s report recounts the constitutional provisions of the Basic Law, including the right to liberty and security of person, prohibition of torture and inhuman treatment, fair trial guarantees, freedom of expression, and right to political participation. However, while the PLC is out of session, the President enacted several laws by decree, involving gross and confirmed violations of fair trial guarantees. Published in Extraordinary Issue no. 26 of the Official Gazette, on 6 March 2022, these included the Law by Decree Amending the Penal Procedure Law, Law by Decree Amending the Civil and Commercial Procedure Law, Law by Decree Amending the Law of Evidence in Civil and Commercial Matters, Law by Decree Amending the Law on the Formation of Courts,

Law by Decree on Government Actions Law, Law by Decree Amending the Law of Execution, and Law by Decree Amending the Law on Administrative Courts. These are an extension of laws by decree issued earlier in 2019 and 2020, leading to the establishment of a Transitional High Judicial Council (THJC) in contravention to the Basic Law and Judicial Authority Law. In addition to reflecting the eroding institutional structure of the judicial administration, the said laws by decree have institutionalised multiple forms of removal from judicial office and adversely impacted the independence of judges, and rule of law. Many provisions of the Law by Decree Amending the Penal Procedure Law gravely violate the rights of the accused, presumption of innocence, and fair trial guarantees. For example, in the event of their absence, the accused person may be detained under an overbroad provision, namely, force majeure. Any civil servant or an officer vested with judicial powers may only be brought before the court on charges of misdemeanour or felony committed while on duty with the written permission of the Attorney General or one of his assistants. Absent this written authorisation, the offender would enjoy immunity.

Additionally, the appeals of judgements rendered by the Magistrate Court may be heard before the Court of First Instance “without summoning the parties concerned,” and so are the judgements of the Court of First Instance in its capacity as a court of first degree, when considered by the Court of Appeals. This is a violation of the constitutional principle requiring the publicity of trials, and deprives the accused of the right to a second hearing. According to amendments to the Civil and Commercial Procedure Law, a testimony under oath is admitted without allowing any possibility for cross-examining the witness concerned. In civil proceedings, hearing of appeals “without summoning the parties concerned” infringes on, *inter alia*, judicial regulations, the right to a second hearing, public trial, and fair trial guarantees.

Al-Haq recommends that the Committee request Palestine to submit explanations on the extent to which the latest amendments of the Penal Procedure Law, Civil and Commercial Procedure Law, and Law of Evidence are consistent with the provisions of the ICCPR, particularly fair trial guarantees and access to justice for the most vulnerable groups. Laws by decree that have affected the Judicial Authority should be reversed. These are in violation of the provisions of Article 43 of the Basic Law, which requires the existence of “cases of necessity that cannot be delayed” for such regulations to be enacted. Such cases of necessity never existed. Palestine should be requested to set a time limit to rescind those laws by decree, and ensure that laws do not violate the ICCPR.

9. According to paragraph 28 of Palestine’s report, the State Party has formed a Legislative Harmonisation Committee, headed by the Ministry of Justice. However, the report does not include any legislations brought in line with international conventions. Al-Haq recommends that the Committee ask Palestine to explain the compatibility of the Cybercrimes Law by Decree no. 10 of 2018, as amended, with the provisions of the ICCPR, which has already been discussed by the Legislative Harmonisation Committee. In August

2017, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a special note, addressing abuses of freedom of expression and right to privacy under the Cybercrimes Law by Decree. Nevertheless, Palestine approved this law by decree, which entails overbroad and loosely defined terms. For instance, Article 39 of the Law by Decree allows the blocking of websites that pose a threat to national security, public order or public morals, based on a request from the Palestinian Authority's security agencies to the Attorney General, who must submit a request to the court within 24 hours. The court may allow the blocking of websites for a period of six months, which may be renewed indefinitely. Indeed, in 2017, 30 websites were blocked on grounds of the previous Cybercrimes Law by Decree of 2017. Another 59 websites were blocked based on the Cybercrimes Law by Decree of 2018, which is still in force. These websites continue to be blocked as at the time of reporting. Furthermore, Article 45 of the Law by Decree considers any act that constitutes a crime under effective penal legislations as a cybercrime if it is perpetrated using the electronic network. This means that scores of overbroad terms are transmitted to the Law by Decree, which is invoked to detain those exercising their freedom of opinion and expression.² Al-Haq recommends that the Committee include the Cybercrimes Law by Decree in the LOIs. The latter should be requested to submit information on the number of blocked websites, duration of blockage, whether those websites are still blocked, the number of persons convicted and exonerated on grounds of the provisions of the Cybercrimes Law by Decree.

10. In its Concluding Observations on the initial report of Palestine ([CEDAW/C/PSE/CO/1](#)), the CEDAW had already requested that Palestine “[e]xpeditely the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption” (paragraph 15(c)). Al-Haq recommends that the Committee include those draft laws in the LOIs. Palestine should indicate progress made in relation to these draft laws as well as relevant achievement of the Legislative Harmonisation Committee, and the duration needed to approve and promulgate those draft laws. Additionally, in paragraph 11 of its Concluding Observations, the CEDAW recommended that Palestine “(a) Adopt, without delay, national legislation that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres; (b) Ensure that the proposed draft penal code of 2011, which is aimed at prohibiting and punishing discrimination, is revised to bring it into conformity with the Convention, and to include provisions for appropriate enforcement mechanisms and sanctions.” Al-Haq recommends that the Committee include in the LOIs a request to Palestine to clarify the nature of the steps taken to implement the CEDAW recommendations on the alignment of

² Al-Haq, “[Al-Haq’s Comments on the Draft Law by Decree Amending the Law by Decree on Cybercrimes](#)” (25 January 2018).

national legislation with international conventions and elimination and incrimination of discrimination against women and girls.

11. Paragraphs 29 *et seq.* of the State party's report addressed the issue of local remedies. Palestine has enacted a number of judicial legislations to ensure its control over the judiciary, including a decision on the Administrative Judiciary Law 2020 and its amendments, vesting the President of the Palestinian Authority with the power to appoint administrative judge, which leads to control of the administrative judiciary. Recently, on 29 March 2022, the Administrative Court issued a decision ordering halting the strike of the Nursing and Midwifery Syndicate without any legal basis. Such a judgement, as well as others, prove that the administrative judiciary opposes the right to strike and freedom of union action. With regard to compensation, despite the affirmation of the Basic Law that any attack on rights and freedoms constitutes a crime that does not have a statute of limitations and requires fair compensation for those who have suffered damage, the Law on Government Actions published in the Official Gazette in 2022 does not allow compensation for human rights violations.

In this regard, Al-Haq recommends that the Committee includes the recent legislations issued in judicial matters in the LOIs, including the Law on Government Actions and its compatibility with the right to remedies, given its serious repercussions on the human rights system as a whole, including civil and political rights; to request from the State party information on the number of cases that resorted to the judiciary to request compensation for violations of their rights guaranteed in the Basic Law, the number of cases in which fair judgment was obtained, and compensation was obtained through court rulings. Al-Haq also recommends the Committee asks the State party on the issue of the appointment of judges and the requirement of obtaining security clearance from the Palestinian Authority's security agencies to occupy judicial positions.

Article 3

12. Paragraphs 56 *et seq.* of Palestine's report turn a deaf ear to CEDAW's recommendation to "[e]xpeditiously review draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption." Al-Haq recommends that the Committee include these draft laws in the LOIs, and indicate the progress made thereon.

13. Palestine's report makes reference to the National Policy Agenda (NPA) 2017-2022 and UN Security Council Resolution 1325 on women, peace and security.³ However, the NPA and other national plans, which are set to implement Resolution 1325, have overlooked women with disabilities, requiring therefore including this in LOIs.

³ UNSC, [S/RES/1325 \(31 October 2000\)](#).

Article 4

14. Under a presidential decree issued on 5 March 2020, President Abbas declared the state of emergency throughout Palestine (West Bank and Gaza Strip) to respond to and prevent the spread of the COVID-19 pandemic. According to Article 110 of the Basic Law, “(1) The President of the National Authority may declare a state of emergency by decree when there is a threat to national security caused by war, invasion, armed insurrection or in times of natural disaster, for a period not to exceed thirty (30) days. (2) The state of emergency may be extended for another period of thirty (30) days if a two-thirds majority of the members of the Legislative Council vote in favour of the extension.” The state of emergency continues to this date in contravention to the Basic Law. Against this backdrop, the continuation of the state of emergency declared in Palestine constitutes a confirmed breach of the provisions of the Basic Law. Al-Haq recommends that the Committee ask Palestine to state the reasons for the continuing state of emergency in violation of the provisions of both the Basic Law and the ICCPR.

15. Palestine’s report to the Committee does not cover the period when the state of emergency was declared, which is still in place based on unconstitutional grounds. The report does not include the emergency regulations, which continue to be effective in grave breach of constitutional rights and freedoms. One of these regulations is the Law by Decree no. 7 of 2020 on the State of Emergency. Together with the 2018 Cybercrimes Law by Decree, this enactment poses a serious threat to the right to freedom of expression and peaceful assembly. Across the West Bank, Al-Haq has monitored many arrests on the ground of emergency regulations. By contrast, in Gaza, “misuse of technology” is invoked to carry out arrests, by virtue of an amendment to the Penal Law applicable in Gaza, which is similar to the Cybercrimes Law by Decree applicable in the West Bank. On the basis of the state of emergency, emergency budgets have been enacted. In reality, neither the Basic Law nor other regulations provide for the so-called emergency budgets. Ongoing PLC inaction has allowed room to pass these budgets.

16. The ongoing state of emergency and cancelling of the legislative and presidential elections in April 2021 were a major setback for the overall human rights situation in the West Bank. Al-Haq has documented many cases of arbitrary detentions, which reached a climax after activist Nizar Banat had been killed by Palestinian security personnel on 24 June 2021.⁴ Dozens of protestors demanding justice for Banat and calling for holding presidential and legislative elections in peaceful assemblies were arrested, detained, among violent dispersal of peaceful assemblies and use of excessive force.⁵ protesters. In the context of public oversight, the government also established committees to investigate

⁴ ICHR and Al-Haq, [Joint fact-finding report on the killing of activist Nizar Banat](#) (Arabic, 2022).

⁵ [Al-Haq condemns continued attacks on peaceful assemblies and arrest of participants by security agencies](#), (Arabic, 2021).

infractions, including the commission of inquiry into a COVID-19 vaccine swap between the Palestinian Authority and Israel. However, these and other fact-finding missions did not culminate in holding culprits accountable or providing redress to affected persons, breaching the Basic Law and the ICCPR on effective remedies.

17. Al-Haq recommends that the Committee request from Palestine to provide a detailed account of the declared state of emergency since 5 March 2020, as well as of the emergency budgets and regulations enacted during that time, including the Law by Decree on the State of Emergency. Palestine should also provide information on the inquiry and fact-finding commissions it established, its results and the extent to which accountability and effective remedies have been realised. The Palestine should work, without delay, to bring to an end to the state of emergency.

Article 6

18. Palestine's report turns a blind eye to extrajudicial killings perpetrated in the West Bank and Gaza Strip, including inside and outside detention facilities, since accession to and entry into force of the ICCPR. The report does not provide an account of relevant investigations, accountability of the perpetrators of these crimes, summaries of court decisions rendered, compensations within the framework of justice for victims, and amount of compensation.

19. In spite of the fact that Palestine acceded to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, capital punishment remains prescribed in the Jordanian Penal Law no. 16 (1960) effective in the West Bank (18 cases), and the British Mandate Penal Law no. 74 (1936) effective in the Gaza Strip (15 cases), and Military Penal Law (44 cases); which requires amending these laws to abolish death penalty from penal legislations in the West Bank and Gaza. Of note, capital punishment is effectively implemented in Gaza. Al-Haq recommends that the Committee request Palestine to clarify the efforts made to hold accountable extrajudicial killings, including "honour" killings that target women; the penalties ruled by courts against perpetrators, and amount of compensation awarded to affected persons, and to lay out the efforts exerted by the State Party towards abolishing the death penalty in line with the Second Optional Protocol to the ICCPR.

Article 7

20. Article 13(1) of the Basic Law firmly prohibits torture: "No person shall be subject to any duress or torture. Indictes and all persons deprived of their freedom shall receive proper treatment." So far, however, there is no definition of torture under Palestinian legislation, nor is there a provision that incriminates torture along the lines of the definition of Article 1 of the CAT. Al-Haq recommends that the Committee request Palestine to clarify the procedures it has implemented to enact and amend domestic

regulations, ensuring that a definition of torture and ill-treatment and effective penalties be provided in accordance with the CAT, and the serious character of the crime. Under the State Party's report (paragraph 156), the list "cases of torture and inhuman practices" only covers cases up to 2017, and does not provide any reference to official documented cases of torture; it only includes two complaints from Al-Haq and 14 others from the Independence Commission for Human Rights (ICHR), which are still under investigation since 2017. The list needs to be updated, which should also be included in the LOIs. Of note, Al-Haq, ICHR, and other institutions have sent dozens of letters on torture crimes committed by security agencies to respective directors, Ministry of the Interior (MoI), Prime Minister's Office, and Palestinian President.

21. Al-Haq recommends that the Committee ask Palestine in the LOIs to submit disaggregated and updated information on the number of complaints filed on torture crimes, perpetrators, investigations opened, rulings rendered, summaries of these rulings, and penalties sentenced in relation to torture crimes; whether such penalties correspond to the serious nature of torture crimes, whether compensation has been ordered to victims, and the amount of such, if any; and the procedures for victims' treatment, rehabilitation, and social reintegration.

22. In the State Party's report, a second list provides the number of the persons charged with maltreatment of detainees or extraction of information by force (up to 2018) by security forces: Police (133), General Intelligence (6), Preventive Security (5), National Security Forces (4), Military Medical Services (4), Customs Police (3), Civil Defence (2), and Military Intelligence (1); however, without reference to prosecution, accountability, court decisions rendered, summaries of court decisions, or compensation. Al-Haq recommends that the Committee ask Palestine to provide disaggregated and updated information on the number of ill-treatment cases, investigations, nature of offences, convictions, summaries of court judgments. According to the list, 24 cases resulted in conviction, without indicating the nature of convention, characterisation of crimes, rulings, and remedies. This information should be included in the LOIs.

Article 19

23. Article 11 of the Basic Law emphasises that "(1) Personal freedom is a natural right, shall be guaranteed and may not be violated. (2) It is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order in accordance with the provisions of the law [...]." Together with Palestinian civil society organisations (CSOs), Al-Haq has documented multiple forms of arbitrary detention as designated by the Working Group on Arbitrary Detention. These included frequent summons of citizens by telephone or subpoenas by security agencies, and detention based

on “orders of governors,” rather than by the Public Prosecution or courts, constituting arbitrary deprivation of liberty on the ground of exercising one’s rights and violating guarantees of fair trial. Security agencies have refrained from enforcing court decisions ordering the release of detainees. A person held in detention on order of a governor *ab initio* or after a court decision is rendered ordering the release of a detainee, obstructs the implementation of judicial rulings and constitutes in and by itself a crime that entails imprisonment or removal from public office, according to Article 106 of the Basic Law, stipulating that “[j]udicial rulings shall be implemented,” And [...] the affected person may request remedy. Al-Haq has documented many cases of governor-ordered detention in contrariety with the provisions of the Basic Law and relevant international standards. This practice constitutes arbitrary detention, which also runs counter to the 1954 Jordanian Law on the Prevention of Crimes, which governors cite as basis to detain individuals. Although Palestinian case law has established that it is illegal, governor-ordered detention continues to be practiced.⁶

24. The Presidential Decree no. 22 (2003) on the Competences of Governors vests governors with the capacity to act as judicial police officers. According to the provisions of the Penal Procedure Law, this capacity can only be bestowed by law, and not by a secondary legislation. By itself, the judicial police capacity does not authorise the arrest of individuals without an arrest warrant duly issued by court. Otherwise, the procedure is null and void and gives rise to liability.

25. Palestinian security agencies, including the Police, deprive arrested persons from their right to legal counsel during the evidence-gathering stage, where arrested persons are most vulnerable to torture and ill-treatment practices. Security agencies only allow right to legal counsel during the interrogation stage before the Public Prosecution, reflecting a systematic abuse by security agencies, claiming that no provisions under the Penal Procedure Law require legal representation during the evidence-gathering stage. On the contrary, Article 12 of the Basic Law provides that every arrested or detained person “shall have the right to contact a lawyer.” Al-Haq recommends that the Committee include a question in the LOIs on the circumstances under which the affected person is informed of the reasons for their arrest or detention; the stage at which the affected person can seek legal counsel, medical attention, and contact with their family, and whether a lawyer can represent the arrested person before security agencies. The State Party should be requested to lay out the legal grounds of telephone summons of activists by security agencies.

26. Al-Haq recommends that the Committee ask Palestine to clarify the procedures implemented to prohibit governor-ordered detentions once and for all; repeal the 1954 Jordanian Law on the Prevention of Crimes; and put an end to illegal summonses. Disaggregated, up-to-date statistics of the number of persons in pre-trial detention

⁶ Al-Haq, “[Governor-Ordered Detentions](#)” (2018).

compared to the number of prisoners, the duration and causes of detention, the party which extends detention, the number of persons detained on order of governors, and the procedures implemented to provide redress to victims and guarantees of non-recurrence.

Article 10

27. Paragraph 224 of Palestine's report provides statistics regarding visits and inspections by civil society organisations, ICHR, and International Committee of the Red Cross (ICRC) to correction and rehabilitation centres and detention facilities. These statistical data are not up-to-date and confined to the period 2014-2017. The report does not mention the results of visits and, by consequence, handling of violations, including torture and ill-treatment. Many letters sent by Al-Haq and other human rights actors reported on cases of torture and ill-treatment in detention centres. Still, Palestine's report merely mentions the number and years of visits, without referring to the content of such reports.

28. Al-Haq recommends that the Committee ask Palestine to submit disaggregated information on the results of visits and inspections to the detention centres described in paragraph 224 of the State Party's report, and the relevant follow up action undertaken ensuring effective remedies for victims and guarantees of non-recurrence. Al-Haq recommends that the Committee request from the State Party to provide information on the extent to which detention facilities, such as Police, the General Intelligence and Preventive Security agencies and others' detention centres, observe the best standards of places of deprivation of liberty, and the recommendations of the World Health Organisation and Office of the United Nations High Commissioner for Human Rights. Reporting will further assess the compliance of these places with COVID-19 health measures, including prevention of overcrowding, distancing, sanitisation, and vaccinations against COVID-19.

Article 11

29. Under paragraph 243, Palestine's report indicates that a debtor may be imprisoned for mere failure to execute a contractual obligation. Al-Haq recommends that the Committee ask Palestine to clarify the procedures implemented to repeal legal provisions that allow the imprisonment of debtors if they fail to execute contractual obligations. These provisions explicitly violate the ICCPR.

Article 12

30. Paragraphs 244 *et seq.* of Palestine's report address the systematic violations committed by Israel, the Occupying Power, in the occupied Palestinian territory (oPt), including in relation to the right to freedom of movement, control over the population registry, and displacement of families in occupied Jerusalem. However, the report does not refer to any measures taken by Palestine to ensure Palestinian rights to movement in response to Israeli violations. On the other hand, the report does not include cases of obstruction of the right

to freedom of movement, such as issuing travel bans and refraining from issuing passports to citizens of the Gaza Strip by the MoI in the West Bank. According to Article 11 of the Law on General Intelligence, the head of the Service can ask the Public Prosecutor to issue a ban to prevent a foreigner from entering or leaving the country, or to prevent a citizen from travelling, for reasons related to national security. Cited in the State Party's report, this provision is in conflict with the Basic Law, which only permits such a procedure by a decision of the competent court. In this regard, Article 28 of the Basic Law provides that "[n]o Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of his citizenship, or handed over to any foreign entity." Al-Haq recommends that the Committee request Palestine to submit information detailing the number of travel bans in contravention to the Constitution and measures taken in this context, and with regard to non-discrimination in granting passports to all Palestinian citizens.

Article 14

31. Palestine's report only recounts legislative provisions on courts, types of courts, and a set of fair trial guarantees. It does not provide data on applicable procedures vis-à-vis violations monitored by human rights organisations.⁷ In view of the Executive domination over the Judicial Authority, judicial independence and impartiality have deteriorated by reason of the amendments to the judicial regulations mentioned above. These included the amendment to the Judicial Authority Law, which incorporated many provisions that resulted in the lifting of immunity and arbitrary "early retirement" of judges, ultimately undermining trust and confidence in the Palestinian judicial system.

32. Al-Haq recommends that the Committee ask Palestine to clarify the mechanism by which security agencies approve judicial appointments and request arrest warrants from the Public Prosecution; the legal grounds for issuing detention orders in the absence of evidentiary reports submitted by judicial officers; identify the bodies which develop the draft laws by decree amending provisions on judicial matters and fair trial guarantees, and the legal basis for such a capacity; provide the number of persons held in arbitrary detention contrary to guarantees of fair trial and remedies; and address the recent regulations that undermine judicial independence, particularly amendments to the Judicial Authority Law, which resulted in the arbitrary early retirement of many judge, especially younger ones.

Article 16

33. Article 16 of the ICCR provides that "[e]veryone shall have the right to recognition everywhere as a person before the law," implying both legal standing and legal agency. However, in Palestine, persons with disabilities are deprived of legal agency. The *Mejelle* (Ottoman Civil Code), treats persons with intellectual disabilities as incompetent of legal

⁷ See paragraphs 23-26 above.

dispositions. Also, the Personal Status Law allows the marriage of persons with intellectual disabilities if the judge deems that the marriage is in their interest. Article 12 of the Convention on the Rights of Persons with Disabilities provides that these persons enjoy full legal capacity. Contrary to this Convention, the legal agency of mentally challenged persons is expressed through the guardian or custodian, affecting their rights and legal dispositions. Personal status laws further prescribe guardianship over women in marriage, undermining the legal personality of, and constituting flagrant discrimination against, women. Al-Haq recommends that the Committee ask the State Party regarding the procedures taken to empower persons with mental disabilities to express their will, annul legal guardianship and custodianship requirements for valid legal dispositions, and provide needed support for independent expression of one's will, giving effect to the Convention on the Rights of Persons with Disabilities. The State Party should also explain the procedures implemented to annul guardianship over women in the matters of marriage.

34. Al-Haq has documented incidents where Palestine has violated the rights of children to register and acquire a name immediately upon birth. The parents submitted a written complaint to Al-Haq regarding inability to obtain a birth certificate given the MoI's refusal to register their child, born in February 2018, under the pretext that the parents' marriage contract is illegal, as the mother is registered a Muslim, while the father is registered a Christian, despite the mother's conversion to Christianity prior to marriage and marrying in a church.⁸ The MoI suggested registering their child as an illegitimate child, which the parents have refused. The child is not registered until this day, and the parents suffer psychological harm which prevented them from trying to register their second child.

35. Marriage certificate is a requirement to issue a birth certificate. Children born out of wedlock cannot take his parent's family name, and are instead given made up names as stipulated under Article 22 of the Civil Status Law no.2 (1999), exposing them to stigma.⁹

36. Al-Haq recommends the Committee to inquire in the LOIs about the reasons for not issuing a birth certificate compromising the child's legal personality in the above case, and act without delay to enforce Article 16 of the ICCPR and Article 7 of the Convention on the Rights of the Child, to which Palestine is a party.

Article 17

37. With respect to the violation of the right to privacy, paragraph 311 of Palestine's report states: "According to annual compilations of complaints, which are produced by the Council of Ministers, there were 105 complaints concerning violations of the sanctity of private life in 2014. In 2015, there were 89 such complaints of which 85 were addressed;

⁸ Names of child and parents remain classified. Information can be provided to the Committee according to applicable relevant procedures. Al-Haq affidavit no. (s 68/2019).

⁹ Human Rights Watch, "[Palestine: 'Marry-Your-Rapist' Law Repealed](#)" (10 May 2018).

there were 312 such complaints in 2016 of which 256 were addressed; and there were 123 complaints in 2017.” However, the report does not explain the mechanism in place for dealing with such complaints, nor does it outline effective remedies for victims.

38. Despite prohibiting arbitrary or unlawful interference with any person’s privacy, family, home, or correspondence,¹⁰ including by law enforcement officials,¹¹ the Cybercrimes Law by Decree no.10 (2018) includes many violations of the right to privacy based on broad criteria, such as Article (31) which obliges service providers provide the competent authorities with information on participants that assist in “revealing the truth,” upon the request of the Public Prosecution or the judiciary. This is in contravention to the International Principles on the Application of Human Rights to Communications Surveillance that require determinations related to communications surveillance be made by a competent, impartial, and independent judicial authority.¹² Al-Haq recommends that the Committee request Palestine to describe the mechanism for handling complaints on violations of the right to privacy by law enforcement officials, together with procedures in place to protect the right to privacy and remedies for victims; provide updated information on abuses occurred after 2017; and amend the Cybercrimes Law by Decree to prevent arbitrary interference with privacy.

Article 19

39. According to Article 19 of the Basic Law, “[f]reedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.” Article 27(3) of the Basic Law provides that “[c]ensorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling.”

40. Palestinian President approved the Cybercrimes Law by Decree No. 16 of 2017. without civil society participation, which has been the State’s consistent approach in this regard. The 2017 Cybercrimes Law by Decree constituted a grave violation of the right to freedom of opinion and expression, freedom of the press, right to privacy, and right of access to information. It was met by widespread objections by civil society organisations because it applies loosely defined and overbroad terms for incrimination and punishment (e.g., “maintenance of national security, public order, and public morals.”) Contrary to the three-part test and provisions of the ICCPR, the process is not governed by any informed standards or controls. In 2017, Palestine blocked some 30 websites on grounds of the Cybercrime Law by Decree. These websites continue to be under blockage, violating

¹⁰ Article 22, [the Cybercrimes Law by Decree no. 10 \(2018\)](#).

¹¹ Article 3, [the Cybercrimes Law by Decree no. 10 \(2018\)](#), on the creation of a specialized cybercrimes unit in the police and security forces.

¹² [International Principles on the Application of Human Rights to Communications Surveillance](#), (2013).

relevant international standards and the law by decree itself, which requires that this procedure be reviewed every six months. Al-Haq submitted two communications to the Special Rapporteur on the right to freedom of opinion and expression, who in turn sent a special note to Palestine in August 2017.¹³ The note addressed the overbroad terms under the Cybercrimes Law by Decree, severe penalties prescribed, and blocking of websites, demanding compliance with the ICCPR. Palestine responded to the Special Rapporteur's note in September 2017, stating under paragraph 15 of its response, "[t]he President of Palestine and Prime Minister pledge to amend any article under the 2017 Cybercrime Law by Decree, which contradicts the Basic Law or is not consistent with the obligations of Palestine by virtue to accession to international instruments." Palestine repealed the 2017 Cybercrimes Law by Decree and enacted, instead, the Cybercrimes Law by Decree no. 10 of 2018. Like its predecessor, the 2018 Law by Decree entailed many overbroad terms, most notably violating the right to privacy as described above, and maintained the ability to block websites.¹⁴ Indeed, in 2019, another 59 websites were blocked in pursuance of this provision, and continue to be shut down as at the time of reporting.¹⁵

41. Al-Haq monitored many cases of arbitrary detention against the backdrop of the 2018 Cybercrimes Law by Decree. In particular, the broadly termed Article 45, considers any crime committed under any effective legislation, and not provided for under this Law by Decree, (including outdated legislation, such as the 1960 Penal Law), by means of electronic network or information technology, as a cybercrime to be liable to the same penalty prescribed under the effective legislation.¹⁶ According to Al-Haq monitoring, this provision is used to carry out dozens of arbitrary detentions of those criticising Palestine and Palestinian officials online.

42. Al-Haq recommends that the Committee ask Palestine to review, without delay, the 2018 Cybercrimes Law by Decree, particularly Articles 39 and 45 thereunder, and ensure that it is fully consistent with the provisions of the ICCPR, as pledged by Palestine in its response the Special Rapporteur's note in 2017. Al-Haq further recommends that the State Palestine be requested to work, without delay, to unblock the websites and provide redress to victims of arbitrary detention.

43. Palestine approved the Law by Decree no. 7 of 2020 on the State of Emergency, which continues to be in force as at the time of reporting, in contravention to the provisions of the Basic Law. Article 3(3) of this Law by Decree provides that "[a]ny bodies other than those legally authorised shall be prohibited from making any announcements or statements in

¹³ Al-Haq, [Letters Sent to UN Special Rapporteur on Palestine's Cyber Crimes Law](#) (2017).

¹⁴ See Article 39 of the 2018 Cybercrimes Law by Decree: [Al-Haq's Position Paper on the Law by Decree on Cybercrimes and Blocked Websites](#), (2019).

¹⁵ Al-Haq, [Blocking of Websites Critical of Palestinian Authority Violates International and Domestic Laws](#), (2017)

¹⁶ Article 45, [the Cybercrimes Law by Decree no. 10 \(2018\)](#).

relation to the state of emergency, disseminating news associated therewith, while not referring to an official source, in any form whatsoever, or by means of all print, audio and visual social media platforms. Each person who violates this shall be punished by confinement for a term of not more than a year and a fine of not less than two thousand and not more than five thousand Jordanian dinars or its equivalent in the legal currency of circulation.”

44. The 2020 Law by Decree on the State of Emergency has incorporated terms that are either undefined or non-existent in the body of penal legislation in force or in the Palestinian legislative system, which can be extensively used to place restrictions and incriminate digital content. Article 3(7) of the Law by Decree prescribes that “[e]ach person who commits any crime against public order and community safety and stability during the state of emergency shall be punished by the maximum penalty prescribed by the law.” As a consequence, the Cybercrime Law by Decree and Law by Decree on the State of Emergency provide the ground for detention against the backdrop of criticising performance of Palestine. As mentioned above, these laws were particularly used to cancel national (presidential and legislative elections) and the killing of activist Nizar Banat.

45. Al-Haq recommends that the Committee request Palestine, once again, to provide clarifications regarding the continued declaration of the state of emergency and relevant laws still in force. As all COVID-19 measures have been eased, the continued state of emergency is unconstitutional.

46. Together with a set of regulations, the Council of Ministers has recently approved a draft law by decree on the Supreme Council of Media and referred it to the President for promulgation, prepared without community debate and in light of the PLC’s absence.¹⁷ It is expected that these regulations tighten the Executive grip over different media outlets. Al-Haq recommends that Committee include national (presidential and legislative) elections as a priority in the LOIs.

Article 21

47. Entitled “Right to Political Participation”, Article 26 of the Basic Law emphasises respect for the right to freedom of peaceful assembly, providing that “Palestinians shall have the right to participate in political life, both individually and in groups. They shall have the following rights in particular: [...] (5) To conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law.” Along this vein, the Law on Public Meetings no. 12 (1998) is in harmony with the provisions of the Basic Law and ICCPR. Accordingly, public meetings

¹⁷ [The observations of the Palestinian Human Rights Organizations Council regarding the Supreme Council of Media](#) (Arabic, 2016).

may be held provided that a written notice to this effect be addressed to the Governor or Director of Police at least 48 hours prior to the time of holding the meeting. A written notice signed by at least three of the meeting organizers shall be submitted in which they shall specify the place and time where the meeting shall be held and the purpose thereof. In case the written notice is submitted by a legal body, the signature of its representative shall suffice. Without prejudice to the right of meeting, the Governor or Director of Police may place controls on the duration or route of the meeting for the purpose of organising the traffic movement.

48. However, the Bylaws of the Law on Public Meetings issued by the Minister of Interior no. 1 of 2000, have violated the provisions of the Basic Law, the 1998 Law on Public Meetings, and the ICCPR. The Bylaws place “additional conditions”, which are not provided for under the Basic Law and Law on Public Meetings, rendering the right to freedom of peaceful assembly meaningless. For example, Article 5 of the Bylaws prescribe that “[t]he Director of the Police must assess the security situation, place security controls, and provide protection to the meeting or procession, ensuring the protection to the public and public safety.” It is noted that this provision vests the Director of the Police with overbroad powers to put in place security controls, potentially disrupting the peaceful assembly. Regulating the Police’s response to the notice and overstepping the requirement regarding the “duration and route”, Article 11 entitles the Director of the Police to place “any other conditions” on peaceful assemblies.

49. In spite of demands by civil society groups, Palestine has not repealed the Bylaws of the Law on Public Meetings, which runs counter to the provisions of the Basic Law, Law on Public Meetings, and ICCPR. Al-Haq recommends that the Committee request Palestine to work, without delay, to repeal the Bylaw of the Law on Public Meetings.

50. The right to freedom of peaceful assembly witnessed a “major setback”, particularly when national elections were cancelled in late April 2021 and with the killing of activist Banat on 24 June 2021. In the West Bank, Palestinians protestors took to the streets, calling for national elections, justice for Banat, and holding perpetrators to account. Al-Haq documented many peaceful assemblies, which were dispersed by force, as well as arbitrary detention for participating in these assemblies.

51. Early 2021, the decree on the national elections and decree on the deregulation of public freedoms (albeit with no legal value) were passed. However, the room for hope did not last long. National elections were cancelled soon after. Under a political cover, security agencies were given free rein to arbitrarily detain those involved in political activity and exercising the right to freedom of opinion and expression. Many political activists, bloggers, and released political prisoners, including candidates of electoral lists, were held in detention and put on trial. Violations reached their peak with the killing of Nizar Banat, a political activist and candidate of the Freedom and Dignity List for legislative elections.

Abuses were compounded by a serious deterioration in the situation of human rights and freedoms, which were extensively abused. Security personnel and agents in plain clothes reporting to the Executive cracked down on the right to freedom of peaceful assembly expression, and freedom of the press and publication. Security agencies beat and dragged participants in peaceful assemblies on the streets, used excessive force, confiscated mobile telephones and released contents of these telephones, impinging on the right to privacy, particularly of women. In the context of violating freedom of the press, security agencies assaulted journalists and seized their equipment. They also arrested, detained, and tried a large number of participants in peaceful assemblies in contravention to the Basic Law and other regulations. These practices reflected a serious disregard for all rights enshrined in fundamental human rights conventions, including the ICCPR.¹⁸

52. Al-Haq recommends that the Committee request Palestine to uphold the right to freedom of peaceful assembly and outline the procedures it has implemented to hold to account the forcible dispersal of peaceful assemblies and arbitrary detentions on grounds of participation in these assemblies throughout the West Bank. In particular, Palestine should be urged to hold national (presidential and legislative) elections and hold those responsible for the killing of Banat to account. Al-Haq further recommends that Palestine be requested to lay out the procedures taken by the Public Prosecution in regard of the criminal petition submitted by civil society groups to the Attorney General, including photographs of persons in civil clothes who assaulted citizens in peaceful assemblies.¹⁹

Article 22

53. Article 26(2) of the Basic Law provides that “Palestinians shall have the right to participate in political life, both individually and in groups” and the right to “form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.” Law on Charitable Associations and Civil Society Organisations no. 1 of 2000 (CSO Law),²⁰ as amended, regulates charitable associations and civil society organisations in accordance with the provisions of the Basic Law. The right to freedom of association is crippled by the State’s multifaceted interference with the affairs of charitable associations and CSOs. In 2011, Palestine amended the CSO Law without consultation with civil society actors, whereby instead of transferring the properties of dissolved CSOs to other

¹⁸ Al-Haq, [Human rights and civil society organisations hold head of the Executive Authority and government responsible for rights and freedoms’ violations and the collapse of official institutions](#), (25 August 2021); ICHR and Al-Haq, [Joint fact finding report on the killing of activist Nizar Banat](#) (Arabic, 7 March 2022).

¹⁹ Al-Haq, [Human rights organisations submit a criminal petition to the Attorney General for investigation of the assaults on participants in peaceful assemblies](#), (Arabic, 1 July 2021).

²⁰ [Law on Charitable Associations and Civil Society Organisations No. \(1\) of 2000](#).

CSOs with similar activities -as provided under the original law- the movable and immovable properties are transferred to the public treasury by the MoI.²¹

54. In 2021, Palestine introduced other amendments to the 2000 CSO Law. The Law by Decree No. 7 of 2021 allows interference with CSO plans of action and budgets, stipulating that these should be consistent with the plan of the competent ministry that follows up on associations. The amending law by decree provides that staff salaries and operating expenses of the association or organisation may not exceed 25 percent of the total annual budget of a CSO. It also ties the right of CSOs to launch fund raising campaigns for relevant social purposes to a regulation to be issued by the Council of Ministers, while maintaining the transfer of properties of dissolved CSOs to the public treasury. According to the law by decree, the Council of Ministers will pass a regulation determining the fees paid by CSOs for any application submitted to the ministry. Involving a great deal of interference with the CSO activities, the amendment was widely opposed by civil society. It was, eventually, suspended by the Law by Decree no. 18 of 2021.²²

55. Currently, the Council of Ministers is in the process of introducing a draft regulation on non-profit organisations and relevant legal arrangements, based on Law no. 20 of 2015 regarding combating money laundering and financing terrorism (“Draft Regulation”). The draft regulation, which remains open for discussion, grants government bodies full control over charitable associations under the pretext of combating money laundering and financing terrorism. This regulation would allow for the State’s extensive interference with the affairs of non-profit and charitable societies. This is proposed in the midst of a fierce attack by the Israeli authorities on Palestinian CSOs. Multifaceted encroachments featured raids, arrests, closure of offices, and financial blockage. These violations culminated in Israel’s designation of six Palestinian CSOs as “terrorist organisations” and as “unlawful associations” under military orders, subjecting these CSOs and their staff members to closure, prosecution, and arrest, in order to silence those CSOs and thwart their pursuit of monitoring, documenting, exposing, and holding Israeli perpetrators to account.²³ Article 4 of the regulation vests supervisory bodies (namely, the Department for Associations Registration at the MoI and the Company Controller of the Ministry of National Economy) with broad powers, including under “risk assessment,” which targets all CSO activities, including verification of all its relevant sources, under the pretext of identifying threats posed by terrorist entities, and ensuring that CSOs are not jeopardised or misused to support and finance terrorism. Accordingly, CSOs will be under a periodic review.

²¹ Article 2, [Law by Decree No. \(6\) of 2011 on the Amendment of the Law on Charitable Associations and Civil Society Organisations No. \(1\) of 2000](#).

²² [Al-Haq Position Paper on the Law by Decree Concerning the Amendment of the Law on Charitable Associations and Civil Society Organisations](#) (10 March 2021).

²³ [Alert: Israel Takes Alarming Steps to Enforce its Persecution of Six Palestinian Organisations in the West Bank, International Community Must Intervene](#) (2021).

56. The aforesaid powers will result in largescale interference with all the affairs of charitable associations by the competent ministry, which transgresses the limits of its competence under the CSO Law. These also run counter to the guarantees enshrined in Article 41 of the CSO Law, which provides that “it shall be prohibited to confiscate funds of an association or organisation, or close it, or conduct a search in its main and branch offices without an order issued by the competent judicial entity.” Additionally, according to Article 46(3) of the Bylaws of the CSO Law, “[n]o official authority shall have the right to interfere with or influence the process of managing the meetings, elections, or activities of associations.”²⁴ Hence, the broad powers vested in the MoI Department of Associations Registration may compromise the CSO Law. Non-profit companies can also be undermined by the 2021 Company Law by Decree and 2010 Regulation on Non-profit Companies. Paragraph (c) of the Draft Regulation grants the Executive (Department for Associations Registration and Company Controller) legislative powers to “review the appropriateness and adequacy of procedures, including legislation on non-profit organisations, to prevent their misuse to support and finance terrorism and finance terrorist organisations. These shall be improved whenever necessary.” Encroaching on the principle of separation of powers, this provision allows room for more domination and control over charitable associations and non-profit companies.

57. Under the pretext of “ensuring the combating of money laundering and financing of terrorism”, the Draft Regulation makes it binding on non-profit organisations (charitable associations and non-profit companies) to “obtain an identity card, credentials, and good reputation for all beneficiaries from the non-profit organisation and other non-profit organisations associated therewith; the identity of core donors shall be documented, while respecting information confidentiality. This provision can compromise the activities, programmes, and legal services delivered by charitable associations and non-profit companies; subjects legal work to procedures of security nature; treats beneficiaries as “suspects” until otherwise proven, which gravely infringes upon their right to personal freedom, presumption of innocence and right to legal aid.

58. Al-Haq recommends that the Committee ask Palestine to explain the procedures implemented to counter Israel’s attack on the six Palestinian CSOs working for the defence of human rights. Palestine should provide clarifications regarding the Council of Ministers’ Draft Regulation on non-profit organisations and relevant legal arrangements, which runs counter to the Palestinian Basic Law, CSO Law, Company Law by Decree, and ICCPR. Palestine should also submit information on the bodies in charge of supervising charitable associations and CSOs and clarify the reasons for introducing amendments to the 2010

²⁴ [The Decision of the Council of Ministers no. 9 of 2003 Concerning the Bylaws of the Law of Charitable Associations and Civil Society Organizations no. 1 of 2000](#) (Arabic).

Regulation on non-profit companies, demonstrating how consistent these are with the ICCPR.

Article 25

59. In 2021 and 2022, Palestine held local elections in two phases in the West Bank. Due to the ongoing internal Palestinian political divide, local elections were not organised in the Gaza Strip. Al-Haq observed the electoral process, which witnessed a number of infringements, including continued electoral campaigning on a large scale during electoral silence, polling by the illiterate and persons with disabilities, poor staff performance in some polling centres in elections management, etc. Overall, however, these infractions did not affect the integrity of the electoral process. The third phase of local elections have not been held in Gaza yet.

60. The security services launched a campaign of arrests following the end of the local elections, especially the first phase, which targeted political opponents, which witnessed widespread violations of Palestinians' rights while carrying out arrests and detention, and witnessed use of arbitrary arrests. This contributed to the lack of the public's trust in the judiciary and its role in protecting rights and freedoms.

61. Currently, there are no indications of holding national (presidential and legislative elections), after initially being announced in early 2021, despite the readiness of the CEC, political parties, and the support of CSOs in light of its necessity to reform the Palestinian political system and restore national unity. However, there is not political will to hold national elections. In their deliberations of reports submitted by Palestine, international treaty bodies highlighted the crucial role of the Palestinian parliament in the full implementation of the conventions, including the CEDAW, CERD, and Committee on the Rights of the Child. Absence of civil society engagement and of the PLC, and extensive enforcement of laws by decrees have resulted in monopoly of power, marginalisation of public institutions, and significant decline in the judicial system, adversely impacting and further deteriorating the situation of human rights and freedoms in Palestine. The internal political divide has been entrenched as laws by decree are enacted in the West Bank, but not enforced in Gaza, and laws passed in Gaza by the PLC are not applicable in the West Bank, which further complicates the application of the ICCPR. This proves the critical role of national elections and restoration of the PLC role in the full implementation of the provisions of the ICCPR and promotion of rights.

62. Article 26 of the Basic Law confirms Palestinians' right to form and join political parties. In place since 1955, the Law on Political Parties provides for the conditions and procedures for the registration of political parties and the role of the MoI in the process. However, the MoI does not have a mechanism in place for registering political parties. Doomed to rejection, no applications for the registration of political parties are handled,

such as those representing the youth. In addition to Hamas and Islamic Jihad, forces and parties representing the Palestine Liberation Organisation are currently on the political stage. No new political parties are allowed to be registered.

63. Al-Haq recommends that the Committee request Palestine to work, without delay, to set a date for national (presidential and legislative) elections, as well as for holding the third phase of local elections in the Gaza Strip. Palestine should state the reasons preventing the registration of new political parties, and lay out the mechanism for registering new parties with a view to promoting political pluralism and partisanship and contributing to refurbishing the Palestinian political system. Consolidating the internal political division, the promulgation of laws by decrees in the West Bank and corresponding laws in Gaza should be brought to an end in order to promote rights and freedoms and implement the provisions of the ICCPR throughout Palestine.