



مركز إعلام حقوق الإنسان والديمقراطية «شمس»  
Human Rights & Democracy Media Center «SHAMS»

**Advisory member of the UN Economic and Social Council**

**A report on dispersing a peaceful assembly of ex-detainees protesting halted salaries**

**With accompanying problems, events and violations of the right to peaceful assembly**



## **The position of “SHAMS” Center towards violating the right to peaceful assembly of ex–detainees and analysis of what occurred**

1. In terms of the legal characterization, suspending salaries of the detainees constitutes a violation of the Palestinian Basic Law, Article (22) of which provides for maintaining the welfare of families of martyrs, prisoners of war, the injured and the disabled is a duty that shall be regulated by law. Also, it constitutes a direct contravention of the Detainees and Ex–Detainees Law No. (19) Of 2004 which obliges the National Authority to provide education and Social Health Insurance to prisoners. Article (7) of the same law provides for: “The National Authority shall pay every detainee a monthly salary set by the statute and depending upon the cost of living”.
2. The dispersing of ex–detainees’ sit-in is a violation of the right to peaceful assembly guaranteed by international laws, particularly the International Covenant on Political and Civil Rights and the Basic Law and Public Meetings Law No. 12 Of 1998. Whereas the ambiguous entity that issued the order is considered more disturbing than the act of dispersing itself. This was in contrast to the official statements of the Prime Minister – the Minister of Interior, for the second time in a row, after the decision to block 49 websites, issued by the Ramallah Magistrate Court on October 17, 2019, which leaves a large question mark over the centers of power.
3. Several detainees, including the spokesperson for the former prisoners, resorted to the appeals of the clans and families and calling for their families to hold meetings to discuss means to support them, in a repetition of what happened in the same month from Al–Barghouti family to support of a detainee of their family, as the family demonstrated in hundreds in Ramallah, requires everyone’s attention. It expresses a loss of confidence in the factions, institutions, the political system, and its tools, and represents the return to the clan, but in modern forms and tools.
4. Setting up a tent for the injured citizens as a result of the Gaza division, alongside the detainees’ tent, is grave misconduct that indicates a high level of recklessness and deepens divisions. In cases of states eager to conserve the safety and cohesion of their

societies, contradictory peaceful assemblies shall be separated if both started in the same place to demonstrate unexpectedly, in order to prevent any clashes. However, it is important to ensure the right of the two demonstrations to take place in principle. Accordingly, setting up tents for opposing parties in the same place in full consciousness represents grave misconduct that should not be repeated or tolerated.

5. The preceding item does not detract from the right of any citizen to expression or peaceful assembly or the rights of the wounded, and understanding theirs and their families suffering as a result of the unfortunate division, but the demands of all citizens should be fulfilled within the law and without provoking a clash among them.
6. This has underscored the need to achieve genuine community reconciliation and establish a transitional justice organization that handles all of these files and obtains redress to all victims, which had been called for frequently by “**SHAMS**” center in previous statements and position papers, without official response up to the moment.

## A general description – dispersing a peaceful assembly of ex–detainees protesting halted salaries in Ramallah

### With accompanying problems and violations

- **Description of the peaceful assembly:** A number ex–detainees (about 30 ex–detainees with suspended salaries) has announced an open sit–in at the Yasser Arafat Square in the center of Ramallah city on October 20, 2019, following escalating their movements that had previously started in front of the Cabinet and the Detainees and Ex–detainees’ Affairs Commission. Before the sit–in moved to the center of Ramallah to demand the payment of their suspended salaries, in connection with cutting their salaries since 2007 as they are close to “ Hamas” after the movement control over the Gaza Strip and the accompanying tensions, ground that they are employed by Hamas government and receive another salary from it.

Later, the ex–detainees announced going on open hunger strike and wore the shrouds, and the sit–in continued comprising many problems, as it reached Tuesday, November 26 – a different day – to its 38th day, the 22nd day of the hunger strike, and the fourth day of the open strike on water, amid difficult health conditions, after which a number of them were transferred to the Palestine Medical Complex, while the detainee Mahmoud Al–Wardian was transferred to a hospital in Bethlehem as his body rejected treatment and symptoms of fatigue appeared on him, according to the spokesperson for the prisoners and the ex–prisoners Alaa Al–Rimawi. On November 25, 2019, the head of the Detainees and Ex–detainees’ Affairs Commission, Qadri Abu Bakr, visited the sit–in, confirming that the matter is being addressed and a solution will be found. On November 26, 2019, the Prime Minister, Dr. Mohammad Shtayyeh, visited the sit–in escorted by the Governor of Ramallah and Al–Bireh Governorate, Mrs. Laila Ghannam. The sit–in overall continued for 44 days in a row.

- **Description of the violation of the right to peaceful assembly:** On November 26, 2019, at dawn, the security services dispersed the gathering of ex–detainees and their open sit–in, and forcibly transferred a number of them to the Al–Reehan neighborhood

outside the city of Ramallah, including Attorney Abd al-Razzaq al-Arouri, Ihab Al-Seddah, Muhammad Adili, and Muhammad Al-Ja’bari, which was commented on by the General Political Commissioner and spokesperson for the Security Services Adnan Al-Dameeri, saying that this happened as a result of their transfer to the Istishari Hospital in the neighborhood to check on them, according to his statement. The tent was demolished and its contents were confiscated during the dispersing process, and the detainee Sufyan Jamjoum from Hebron was arrested – who had threatened that ex-detainees will themselves a few days earlier, on the background of Palestinian security preventing their march with their wives from reaching the presidential compound (Muqata) headquarters – Subsequent to that, ex-detainees issued a statement indicating that Mr. Muhammad Shtayyeh, in his capacity as Minister of the Interior, held the responsibility for breaking up and assaulting the sit-in, describing the disruption actions "bullying acts led by the Palestinian government" demanding the release of Jamjoum and the return of tents, and assuring the continuation of the peaceful sit-in, according to the statement.

- **A dramatic development:** on the same day, 26<sup>th</sup> November of 2019, The Prime Minister, Dr. Mohammad Shtayyeh, accompanied the Governor of Ramallah and Al-Bireh Governorate, Mrs. Laila Ghannam, visited the protesters, their families and their children who joined them to support them, declaring the following: **“These are our brothers, whereas the injustice being done to people is not acceptable, affirming to Dr. Nasser Al-Din al-Shaer – the former Minister of Education and the former Deputy Prime Minister in the Hamas government that after the morning call between them, he is ready to receive a delegation of them on the same day at 2:00 PM, in his office as agreed. And that we shall remain faithful to the people who lost their lives and those who have spent their age in jails, and that national unity isn’t represented in speeches from podiums, but from all podiums. Confirming his confidence that issues inherited from years will be resolved, the importance of the message that homeland remains an open space for expression & freedom of opinion, his optimism that the Head of the Election Commission, Mr. Hanna Nasser is present in Gaza, and the opportunity to put an end to the division, which he described as hateful”** assuring to the spokesman for the former prisoners, Mr. Alaa Al-Rimawi, that he will wait on the announced date.

Shtayyeh returns, before leaving with a bottle of water, and gives water to Al-Rimawi, the spokesman for the former prisoners with cut salaries, in front of the media cameras, in a move that reassured the end of the crisis soon.

It is the same day that the sick detainee, Sami Abu Dyak, was martyred in the occupation prisons as a result of deliberate medical negligence, which ignited further tensions to the situation. Later, the situation was deteriorating and was about to explode, as the spokesperson for the former prisoners posted a video hours after Shtayyeh's visit, confirming that there was an intention again to disperse the sit-in, while official authorities informed them that Major General Majed Faraj has the solution, according to the spokesperson for the former prisoners Alaa Rimawi said on his Facebook page: "The spirit of the meeting with the Prime Minister was positive but without results because the Prime Minister promised to outline a vision to find a solution, but the solution is missing until the moment".

- **A grave threat to community safety – two peaceful assemblies are about to clash, and the usual place of the Christmas pageants is occupied:** after that, things took another serious turn. • A group of wounded people due to the political division in Gaza Strip, whose limbs had been amputated as a result of the events and internal fighting in 2007, or who suffered permanent disabilities, pitched tents next to the ex-detainees tents and in direct contact with them. This constituted a serious crisis and indicated signs of clash and implantation of the seeds of possible internal fighting. And as described by the ex-detainees: "they are members of the security services in the Gaza Strip, and many of them were armed despite wearing civilian clothes." Accordingly, the released detainees issued a statement announcing the transfer of their sit-in to Al-Bireh Municipality Square – Baladna Cultural Center to avoid a clash, calling on the president to embrace their cause. This has coincided with using Christmas celebration and Christmas-tree lighting by Ramallah Municipality as an excuse to disperse the sit-in of ex-detainees in the same area, which affected community safety in religious and factional terms. Ex-detainees attempted to de-escalate the situation by placing a symbolic birth tree at their tent, Bishop Atallah Hanna, Archbishop of Sebastia of the Roman Orthodox and Father Manuel Musallam, pastor of the Latin Church in Gaza, previously announced their support for them. There was confusion between the sit-in

and elections, and Hamas was said to have postponed its written response to President Mahmoud Abbas’s paper concerning the elections to Hanna Nasser, head of the election commission, because of what happened to the tent of ex-detainees in the center of Ramallah. This also affected the atmosphere before the presumed elections. Mr. Hanna Nasser intervened as a mediator to resolve the issue with the President, leading up to the issuance of presidential instructions to solve the case.

- **Positions & reactions:** the Bar Association issued a statement calling for a resolution to the issue and affirming the illegality of cutting detainees’ salaries. As well, several national forces and factions issued statements of support to them, like the Independent Commission for Human Rights, human rights activists and civilians, while the detainees’ movement issued a statement supporting the ex-detainees and considered its rights an extension of their rights.
- **End of the crisis:** on December 1 of 2019, the Commission of Detainees and Ex-Detainees Affairs stated that detainees will restore their salaries. Also the commission called on the ex-detainees, to whom the Detainees and Ex-Detainees Law applies, to check with the offices of the commission in the governorates. The released detainees stated that they decided to cease their hunger and water strike and to end their peaceful gathering, and their steps of protest and escalation, in light of what they described as a high positive spirit of the Palestinian leadership, and seeking to ensure unity and non-politicization of their issue.

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