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## ABOUT THIS REPORT

We introduce to the reader the 1997 Annual Report for the Palestinian Centre for Human Rights (PCHR). Contained within are narrative and financial reports for the period from 1 January to 31 December 1997. This year we have adopted a new approach for the narrative report. Rather than only covering the various goals and activities of the PCHR's units and teams, this report will attempt to provide a general picture of the human rights situation in the Gaza Strip. Considering that most activities of the PCHR are geographically limited to the Gaza Strip, this report will not provide a comprehensive picture of the human rights situation throughout the Occupied Palestinian Territories. This approach does not, however, suggest any separation between the Occupied Palestinian Territories, which legally remain one integrated zone. Rather, it reflects the Palestinian reality as a result of prolonged closure and restrictions on the freedom of movement imposed by the Israeli occupation on the West Bank and Gaza Strip.

We hope that this report will contribute to the promotion of human rights in Palestine while serving as an indicator of the progress achieved by the PCHR. Such an indicator will assist us in further developing our work and programs over the coming years. Publishing the financial report reflects our deep belief and fundamental policy of maintaining the transparency of the PCHR as a non-governmental, non-profit organization that provides free services to the community. Finally, the PCHR is ready to receive any critiques, suggestions, or ideas that may contribute to the development and the progress of the services that the PCHR provides.

# **NARRATIVE REPORT**

## INTRODUCTION

The human rights record in the Occupied Palestinian Territories for 1997 was not better than the year before. The suffering of Palestinian citizens deepened, their living conditions deteriorated, and the violations of their basic human rights by Israeli occupation forces continued. Even areas under the jurisdiction of the Palestinian National Authority (PA) witnessed Israeli violations of Palestinian human rights, often manifested in the form of collective punishment prohibited under international law.

With increased pressure exerted against the PA by the governments of Israel and the United States of America, demanding that it carry out human rights violations in the areas under its jurisdiction, the year 1997 witnessed clear shortcomings on the Palestinian level. There were failures to implement the rule of law; setbacks for the judiciary, including non-implementation of court rulings; stagnation in the development of democracy, including the indefinite postponement of local council elections; and a second year of deficient performance by the Palestinian Legislative Council (PLC), elected in January 1996. Despite the enthusiasm of some of its members, after 22 months of work the PLC had not taken effective measures to ensure the implementation of the Basic Law. Although it passed in the third reading, the Basic Law has still not been promulgated.

The year 1997 also witnessed growing frustration, depression, bitterness, and disappointment of Palestinian citizens towards the peace process. From the very beginning, this process raised high the hope that Palestinians would soon see an end to occupation, tangible improvements in their living conditions, more security, and more welfare. By the end of 1997, the living conditions of the Palestinian people have not improved, security and order have diminished, and the Israeli occupation of Palestinian land continues both physically and legally.

During 1997, the peace process itself witnessed continued setbacks as a result of the policy of the Netanyahu government in Israel, which turned its back on the Interim Agreement and its obligations contained within. The Netanyahu government accelerated its settlement policy by establishing new settlements and expanding already existing ones. It confiscated more and more Palestinian land for this settlement construction and for building new bypass roads to connect settlements in the Occupied Palestinian Territories with Israeli territory.

At the same time, the judaization of East Jerusalem continues, house demolitions proceed, and Palestinian Jerusalemites continue to face the confiscation of their ID cards. All of this creates new facts on the ground. By the end of 1997, in a breach of the Fourth Geneva Convention (1949), more than 4000 Palestinian prisoners remained in Israeli prisons, facing miserable living conditions and the oppressive measures of the Israeli prison administration. Many of these Palestinian detainees were also

subjected to brutal methods of torture during interrogations, under the approval and permission of the highest judicial authorities in Israel, the only country in the world with legalized torture.

At the same time, Israel continued its policy of collective punishment against Palestinian citizens, including the imposition of prolonged closure on the West Bank and Gaza Strip. Severe restrictions on the movement of goods and individuals between the Occupied Palestinian Territories and the outside world have had destructive effects on all aspects of life for the Palestinian people, and have been a major factor in obstructing social and economic development in Palestinian.

Under these circumstances, the PCHR continued throughout 1997 to work towards achieving its goals. The PCHR continued monitoring, documenting, and following up on Israeli violations of Palestinian human rights. In this regard, the PCHR addressed the closure and its destructive effects on Palestinian society; violations by Israeli occupation forces; provocative practices of Israeli settlers in the Gaza Strip; detention campaigns carried out by Israeli soldiers against Palestinians at checkpoints and border crossings; and the living conditions and torture of Palestinian detainees in Israel.

The PCHR continued its activities on the international level, reporting on Israeli violations and unveiling facts to the international community. These activities included intervening before UN specialized bodies and concerned governmental and non-governmental organizations and urging them to take effective measures against Israel's illegal practices in order to force Israel to live up to its commitments in accordance with international law.

The PCHR also upgraded its activities on the Palestinian level during 1997 in order to ensure respect for the rule of law, promote the development of democracy, strengthen civil society, and build a democratic legal system in Palestine. The PCHR intervened before the judiciary and concerned bodies to stop illegal measures; provided legal aid and counseling for victims of these illegal measures; worked with the PLC to urge the adoption of legislation in accordance with international standards of human rights and democratic principles; and carried out community awareness campaigns and other activities.

## ISRAELI VIOLATIONS OF PALESTINIAN HUMAN RIGHTS

Throughout 1997, the PCHR continued to monitor Israeli violations of Palestinian human rights. Particularly in Gaza, the PCHR documented these violations and reported them internationally and locally. The PCHR intervenes before international bodies in an attempt to gain worldwide support for the inalienable rights of the Palestinian people and to urge the international community to exert pressure on the State of Israel to stop its violations and illegal practices in the Occupied Palestinian Territories. The PCHR also provides legal aid and counseling to hundreds of victims of such practices, including intervention before Israeli courts and concerned bodies.

The year 1997 witnessed a full record of Israeli human rights violations in the Gaza Strip. Israeli authorities continued to enforce a policy of comprehensive and partial closures of the Occupied Palestinian Territories. As a form of collective punishment, such a policy is prohibited by international law. Also in 1997, the file of Palestinian detainees in Israel remained wide open, while their living conditions deteriorated and they continued to face torture. In addition, Israel continued its campaign of arrests against Palestinian citizens, detaining those living in areas under Palestinian jurisdiction at internal checkpoints and border crossings, such as the Rafah international crossing.

The provocative activities of Israeli settlers and soldiers also continued during 1997. Attempting to control and confiscate Palestinian land near settlements, the settlers and soldiers often provoked clashes with Palestinian civilians who confronted them and attempted to prevent the confiscation of their lands. During these clashes, many Palestinians were shot dead and many other injured in circumstances that did not threaten the lives of the Israeli soldiers.

Other Israeli violations continued in 1997, especially in areas still under the security jurisdiction of the Israeli occupation forces (Yellow Areas according to the Interim Agreement). In these areas, Palestinian citizens were subjected to systematic harassment by soldiers and settlers. Often Israeli soldiers closed al-Tufah checkpoint, the only outlet available for Palestinians to enter or leave the Yellow Areas. Even when al-Tufah was not closed, Israeli soldiers at this checkpoint restricted the movement of citizens and subjected them to prolonged checks, sometimes lasting many hours. At the same time, Israeli marine forces continued their provocative practices against Palestinian fishing boats in the tiny strip of sea in which Palestinians are allowed to fish. In many cases, the Israeli forces shot at these boats, detained Palestinian fishermen, and confiscated their boats and equipment.



## THE CONTINUED CLOSURE OF THE WEST BANK AND GAZA STRIP

In 1997, Israeli occupation forces maintained a tight closure on all Occupied Palestinian Territories, including areas under Palestinian jurisdiction in the West Bank and Gaza Strip. Often the Israelis imposed a comprehensive closure, during which they completely prohibited the movement of individuals and goods between the Occupied Palestinian Territories, Israel, and the international community through Israel, Jordan, and Egypt. During 1997, Israeli authorities imposed comprehensive closures for 54 days, 14.8% of the year. The rest of the year witnessed partial closures, during which Israeli authorities announced gradual easing measures. This usually began by permitting limited imports of some basic commodities and then allowing limited exports of a few Palestinian products, particularly agricultural products. Eventually, the Israeli authorities would allow a few thousand Palestinian laborers access to their work in Israel and a few people permits to move from the West Bank and Gaza through Israel. While these gradual easing measures occurred, the essential aspects of the closure remained and restrictions on the movement of goods and individuals continued.

### *The Closure Update*

During 1997, the PCHR continued to monitor and document the effects and implications of the Israeli policy of closure on all aspects of life in the Gaza Strip. The PCHR continued to publish its *Closure Update*, first published in March 1996. By the end of 1997, 21 issues had been published – 15 during 1996 and 6 during 1997. The field work team of the PCHR gathered information for these updates from several primary sources:

- Field events and reports on the most recent developments
- Regular visits to Gaza Strip outlets to Israeli territory. These visits include witnessing the situation and interviewing Palestinian officials and citizens (workers, businessmen, passengers, drivers, and others).
- Visits to PA Ministries concerned with the closure and obtaining their documentation
- Visits to major economic institutions and unions
- Members of the community
- Hospitals
- Concerned local and international organizations
- Other resources

The *Closure Update*, published in both Arabic and English, is the first specialized publication in the Occupied Palestinian Territories that provides detailed information on the closure. In general, the *Update* has covered the following aspects of closure:

- 1) *Restrictions on the freedom of movement between the West Bank and Gaza Strip.* Israeli restrictions on the freedom of movement between the Gaza Strip and West Bank continued during 1997, despite the Interim Agreement signed by the

PLO and the State of Israel, which confirmed the territorial integrity of these areas and included the activation of safe passages between them. The safe passages have yet to be opened. The *Closure Updates* included comprehensive documentation and vital information on the restriction of movement, challenging Israeli allegations that the freedom of movement has been eased. Issue 16 (25 February 1997) included a comparison between the number of Israeli permits for Palestinians to move between the Gaza Strip and West Bank during 1996 and the number of passengers between the Gaza Strip and the West Bank in 1991, before the imposition of the closure. Based on data obtained by the Field Work Unit, the PCHR estimated the number of passengers in normal circumstances at 600,000, compared with 6041 permits issued for 1996. Thus, the Israeli 'easing measures' met 1% of real needs of Palestinian citizens, a tragically low figure. Throughout the year, other issues of the *Update* also monitored restrictions on the movement of citizens. In repeated cases, the *Update* detailed restrictions on the movement of Palestinian officials and members of the PLC, which resulted in canceling or postponing council sessions.

- 2) *Restrictions on the freedom to travel abroad.* During 1997, Israeli authorities continued to impose restrictions on the freedom to travel outside of the country. In particular, from 30 July through 6 August 1997, citizens of the Gaza Strip were completely denied their right to travel through the Rafah border crossing into Egypt. Also, Al-Karama border crossing between the West Bank and Jordan was completely closed to Gazans from 21 March through 3 May 1997, followed by a partial closure from 4 May through 30 July, before the total closure was re-imposed between 31 July and the end of the year.

Also during 1997, Palestinians were restricted from leaving the country through Ben Gurion Airport in Israel. From 20 March to 10 April, Israel completely denied all Palestinians access to the airport, then partially lifted the closure from 11 April to 30 July, before re-imposing complete denial of access from 31 July to 6 August and from 4 September to 14 September. Throughout the rest of 1997, a few people were selectively allowed to leave the country through the airport. These measures and restrictions on the right to travel were imposed while Israel continued to obstruct the activation of the fully built Gaza International Airport.

- 3) *Restrictions on the right to education.* For the second consecutive year, Israeli authorities continued throughout 1997 to deny more than 1200 Gazan students the right of free access to their educational institutions in the West Bank. On 25 February 1996, Israel imposed the tightest closure ever imposed on the Occupied Palestinian Territories. On 12 March 1996, Israeli occupation authorities issued a military order demanding the transfer back to Gaza of all Gazan students who were in the West Bank at the time of the closure, including students living in areas under the jurisdiction of the Palestinian Authority. Since that time, Israel has not allowed more than 900 Gazan students who were on vacation in Gaza at the time of the closure to return to their universities in the West Bank. Despite the fact that

tens of Gazan students managed to return to the West Bank after 12 March 1996,<sup>1</sup> their stay was illegal from an Israeli point of view and they were tracked and arrested at checkpoints in areas under Israeli jurisdiction. These Israeli measures have resulted in a dramatic decrease in the number of Gazan students in West Bank universities, for which there are no appropriate alternatives in Gaza.

- 4) *Denying workers access to their jobs in Israel.* With the comprehensive closure imposed on the Gaza Strip, tens of thousands of workers were denied access to their places of work in Israel. This led to a dramatic increase in unemployment rates and a deterioration of living conditions. In 1997, all Gazan workers were completely prohibited from reaching their places of work in Israel for 54 days. Throughout the rest of the year, a few thousand were gradually permitted access. Under the best circumstances, Israeli authorities allowed no more than 25,000 workers from Gaza to enter Israel on a given day. According to UNSCO, the average daily flow of labor from Gaza to Israel was 17,365<sup>2</sup> in 1997, compared with 120,000 in 1991.<sup>3</sup>
  
- 5) *The closure of border-crossings to commercial transactions.* During 1997, Israeli authorities continued to strangle the Palestinian economy, which already suffers from structural weakness and dependency on the Israeli economy. This condition has resulted from years of systematic Israeli policies designed to turn the Occupied Palestinian Territories into a cheap source of labor and an open market for Israeli products. As part of the systematic closure of the West Bank and Gaza Strip, the Israeli authorities imposed severe restrictions on economic transactions between the Occupied Palestinian Territories, Israel, and the outside world. These restrictions included the prevention of all imports and exports during times of comprehensive closure and the permission of very limited commercial exchange during times of partial closure. Israeli restrictions on economic transactions in the Gaza Strip during 1997 led to:
  - Shortage in provisions of commodities and basic food supplies
  - Shortage of construction materials and raw materials for industry, which prolonged the disruption of production in industrial factories and damaged building projects, especially those related to infrastructure
  - Stockpile and oversupply of both industrial and agricultural products in Gazan markets, which severely damaged both agriculture and industry

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<sup>1</sup> A number of students traveled by land from Gaza to Egypt, then flew to Jordan, then again by land to the West Bank. In many cases, students were subjected to arrest by Israeli occupation forces and transferred back to Gaza.

<sup>2</sup> This figure includes Gazan laborers working in Israel, the Erez industrial zone, and Israeli settlements in the Gaza Strip. The number takes into account the days of comprehensive closure during which the flow of labor was zero.

<sup>3</sup> Official figures list 120,000 as the number of laborers from both the West Bank and Gaza Strip that entered Israel on a daily basis in 1991. Unofficial figures, which include workers who entered Israel without a permit, reveal that 120,000 workers entered Israel daily from the Gaza Strip alone.

- Decline of 5.8% in the family standard of living in the West Bank and Gaza Strip during the first quarter of 1997 alone<sup>4</sup>

***Press releases regarding the closure***

In addition to the *Closure Updates*, the PCHR published many press releases related to a number of issues regarding the closure. Most of these were urgent appeals presenting immediate information to the world in order to exert pressure on the Government of Israel.

- 1) On 30 January 1997, the PCHR issued a press release about the Israeli denial of permission for Palestinian Legislative Council (PLC) member Rafat Al-Najjar to travel from Gaza to the West Bank. This refusal stemmed from a decision of the Israeli Ministry of Defense. The press release condemned the Israeli decision against Al-Najjar, describing it as a severe escalation by Israel against members of the PLC. The release also recalled previous restrictions imposed by Israel against the free movement of PLC members. Depriving these officials of their right to travel between the West Bank and Gaza Strip demonstrates a provocative insult to the Palestinian people in general and their elected representatives in particular.

Additional damage stems from the canceling of Council sessions. In many cases, the Council's first priority has been to explore ways to overcome Israeli restrictions and secure the presence of all of its members. The press release called upon the international community for urgent action in order to lift the restrictions against Al-Najjar and to stop interfering with the parliamentary immunity of Palestinian representatives. The release also demanded an end to the policy of closure and the implementation of the Interim Agreement, specifically the activation of safe passages between the West Bank and Gaza.

- 2) On 6 March 1997, the PCHR issued a press release regarding restrictions imposed on the freedom of movement of Palestinian lawyers as a result of the closure. For the second consecutive year, Israeli authorities continued to prevent Gazan lawyers from providing legal aid to Palestinian prisoners in Israel. Palestinian lawyers were denied permission to visit prisons and prisoners were deprived of their right to receive proper representation at military courts. Since 8 April 1996, Israeli authorities have refused to give Palestinian lawyers permits to visit Israeli prisons and to represent their clients at Israeli courts. This situation jeopardizes the rights of prisoners, in the following ways - as demonstrated in the PCHR's release:

- Thousands of Palestinian citizens, especially laborers in Israel, are detained in Israel and brought before a judge to extend their detention, without representation from a lawyer.

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<sup>4</sup> UNSCO, *Social and Economic Conditions in the West Bank and Gaza Strip: Quarterly report*, Summer 1997, Gaza, 4 October 1997.

- In many cases, courts are convened without due process or proper procedure. Deprived of their right to defend themselves simply because they are not aware of the law and are not provided with lawyers, detainees in these courts receive long prison sentences.
- In most cases, the procedures of detention and hearing in the courts have no legal basis and could be declared null and void. However, lawyers are denied access to such courts to defend their clients.
- In many cases, military courts only impose fines on the detainees. However, because no lawyers or representatives are allowed access to the court, the decisions sometimes take months to reach the families, who would otherwise pay the fine immediately.

The press release called upon the international community to exact pressure on the Government of Israel to force it to abide by international standards relating to prisoners and to permit all lawyers access to Israeli prisons and courts.

- 3) On 15 April 1997, the PCHR issued a press release about restrictions on the movement of Dr. Kamal El-Shrafi, head of the Human Rights Committee of the Palestinian Legislative Council. Israel had prevented El-Shrafi from travelling out of Gaza to the West Bank to participate in a Council meeting. The release declared once again that such Israeli measures obstruct the work of the PLC and impair the dignity of the Palestinian people. In addition, such measures reflect the lack of concern and negative intentions on the part of the Government of Israel regarding the peace process. Clearly, these provocative restrictions do not serve to promote the efforts to achieve a just peace and order in the region.
- 4) On 18 June 1997, the PCHR issued a press release on the escalation of measures taken by Israel to restrict the movement of Palestinians. The release considered such restrictions a direct contradiction to the provisions of the Interim Agreement, which guarantees the territorial integrity of the West Bank and Gaza Strip, and to the basic principles of human rights, which guarantee the right of the individual to free movement. The press release also included the cases of a number of Palestinian citizens who had been deprived of permission to move through Israel, including members of the PLC, lawyers, doctors, and journalists.
- 5) On 31 July 1997, the PCHR issued a press release condemning measures taken by Israel to tighten the closure of the West Bank and Gaza Strip in the aftermath of two suicide bombings that took place in West Jerusalem the day before. The press release challenged Israeli security justifications, stating that such measures had never contributed to the security of the State of Israel and that they represent a form of collective punishment prohibited by international law. The release called upon the Government of Israel to reconsider its policy of closure and to tackle the real causes for the deterioration of the regional security situation. These causes are the provocative policies implemented by Israel against the people of Palestine, including the policy of expanding and establishing settlements in the Occupied

Palestinian Territories. Such policies have resulted in a stalemate in the peace talks.

- 6) On 12 December 1997, the PCHR issued a press release condemning Israel's denial of permission for a number of experts and human rights activists from the West Bank to travel to the Gaza Strip. As a result of this policy, these experts and activists were unable to participate in the International Conference: "Human Rights and the Final Status Issues" organized by the Palestinian Centre for Human Rights and held in Gaza from 12–15 December 1997.<sup>5</sup> The press release also demanded that the international community exert pressure on the Government of Israel to stop its policy of closure, an illegal form of collective punishment used against the Palestinian people.

***Legal aid offered with regard to the freedom of movement***

During 1997, hundreds of citizens who were prohibited from leaving the Gaza Strip approached the PCHR for legal assistance. Lawyers from the PCHR Legal Aid Unit intervened on their behalf before Israeli concerned bodies in order to lift restrictions imposed on their movement. In very limited and exclusive cases, the PCHR achieved positive results. For the entire year, only the following four cases received permits:

- 1) Abdel Nasser El-Hawajri – Jabalia, 27, student. El-Hawajri sought legal aid on 3 March 1997 in order to obtain a permit allowing him to enter Israel to study at the Hebrew University – Jerusalem, where he had a full scholarship for graduate studies provided by UNESCO. The Israeli authorities had refused to grant him a permit and it took the PCHR two months to obtain the required permit.
- 2) Sami El-Iasawi – Gaza, 38, medical doctor. El-Iasawi sought legal aid on 3 June 1997 in order to obtain a permit to enter Israel to participate in a training program in Tel Aviv. El-Iasawi was nominated to this program by the Palestinian Ministry of Health and after only ten days of PCHR intervention he was granted the necessary permit.
- 3) Randa Jabber – Jabalia, 27. Jabber was denied permission to leave Gaza with her five children for family reunification outside of the country. Four times the Israeli authorities refused to let her leave Gaza and turned her back from the Rafah border crossing. Jabber approached the PCHR on 27 November 1997 and received permission to leave the country after 50 days.
- 4) Muna El-Farra – Gaza, 43. El-Farra approached the PCHR on 23 December 1997 seeking legal aid to obtain a permit to accompany her daughter to Jordan for medical treatment. She was granted a permit after one week.

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<sup>5</sup> The report will discuss the conference in detail on page 53.

## THE USE OF TORTURE AGAINST PALESTINIAN PRISONERS AND THE DETERIORATION OF THEIR LIVING CONDITIONS

The number of Palestinian prisoners inside Israeli jails is estimated at roughly 4000, including more than 650 from the Gaza Strip. However, this number is not a fixed number. It increases on a daily basis due to the continued campaign of arrests against Palestinians by Israeli forces:

- In areas of the West Bank and Gaza Strip under direct Israeli occupation rather than under the jurisdiction of the Palestinian Authority.
- Inside the Israeli borders, particularly concerning Palestinians working without permits.
- At military checkpoints in the West Bank and Gaza Strip.
- At border crossings between the Occupied Palestinian Territories and Israel.
- At border crossings with Egypt and Jordan controlled by Israeli occupation forces.

For example, in 1997, Israeli authorities arrested 151 Palestinians at international border crossings: 48 at the Rafah border crossing with Egypt and 103 at the El-Karama border crossing with Jordan. At the same time, in a very dangerous escalation, on 28 September 1997 the Israeli military commander of the West Bank issued military order #1455, amending previous military orders concerned with security. He thus allowed Israeli occupation forces to bring Palestinian citizens before military courts for activities carried out within areas under the civil and security jurisdiction of the Palestinian Authority.<sup>6</sup>

Palestinian prisoners are held in prisons and detention centers inside Israeli territory in a grave breach of the Fourth Geneva Convention, which prohibits the transfer of the population of occupied territories, including prisoners, to the territory of the occupying power. In these prisons, Palestinian prisoners face inhuman living conditions, are subjected to torture and other forms of cruel, inhuman, and degrading treatment, and are deprived of their right to receive family visits on a regular basis.

### ***The death of Palestinian prisoners inside Israeli jails***

During 1997, four Palestinian prisoners died inside Israeli jails. At least one of them was tortured to death by Israeli interrogators. The four prisoners were:

- 1) Riyadh Mahmoud Odwan – 44, Rafah. Arrested on 12 April 1991, after attempting to stab an Israeli soldier in Rafah, Odwan was shot in the chest, legs, and left arm by Israeli soldiers. Later he was sentenced to 24 years in prison. On

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<sup>6</sup> A similar military order was issued by the Israeli army commander of the Gaza Strip.

12 January 1997, Odwan died at Beer Sheva prison in Israel. His family was informed of his death by a phone call from a prisoner. He informed the family that Odwan died as the result of a heart attack. He informed the family that prisoners asked the prison administration for urgent medical aid, but that the administration provided aid only after a delay. Later Odwan was sent to the hospital, but he arrived dead. Odwan suffered from asthma and chest pains.

- 2) Omar Ibrahim Faraj – 23, Silwan. Faraj was arrested on 29 January 1986 and sentenced to life in prison on charges of killing an Israeli officer. On 6 February 1997, he was found stabbed to death in his cell at Ramle prison. Medical examinations demonstrated that his wrists had been slit.
- 3) Khalid Ali Abu Daya – 37, Bethlehem. On 16 May 1997, Abu Daya was arrested and violently beaten by Israeli soldiers while on his way to pray at the Dome of the Rock in Jerusalem. Abu Daya suffered from mental disorders. After four days in prison, he was transferred to Givat Shaoul mental health hospital in Israel, where he was confined to a special room for prisoners. He was found dead on 21 May 1997. On 22 May, an autopsy was conducted without the presence of a representative from the family. Later, upon the request of his family and the Palestinian Ministry of Justice, another autopsy was conducted by a Palestinian doctor. The second autopsy revealed that there were signs of torture on many parts of his body, a broken left arm, bruises on his neck, and marks proving that his arms and legs were bound. The report stated that Abu Daya died as the result of nervous shock due to severe pain caused by outside violence.
- 4) Marwan Hassan Maali – 33, Jenin. Maali was arrested on 3 August 1997 and was placed under administrative detention until 3 October 1997. He was then sent to Majido detention center. Prior to his arrest, Maali was receiving medical treatment from a mental health specialist. According to the Israeli military spokesman, he was found hanged in his cell.

#### ***Legal Aid offered for Palestinian prisoners inside Israeli jails***

The Legal Aid Unit of the PCHR offers free services to prisoners and their relatives, in terms of legal counseling and intervention on behalf of detainees before Israeli courts and other concerned bodies. The Legal Aid Unit functions through the following mechanisms:

- Specifying the place of imprisonment.
- Providing Israeli lawyers to visit detainees because Gazan lawyers are denied access to Israeli detention centers.
- Intervening before Israeli courts on behalf of detainees to stop torture and to intervene against deteriorating living conditions.

The Legal Aid Unit treated 65 files for prisoners during 1997. In all cases, the unit determined the place of imprisonment. Israeli lawyers working with the PCHR were



able to visit 30 of the detainees and 15 of them received intervention before Israeli courts. Following are the major cases:

- 1) Abdel Halim Yousef Safi – 34, El Bureij. On his return to Gaza from Syria after receiving a PhD in engineering, Safi was arrested at the Rafah border crossing on 4 September 1997. On 20 September 1997, the PCHR appealed to the Israeli court to stop the use of torture against Safi by Israeli interrogators. On 13 October, he was released due to lack of evidence.
- 2) Ashraf Rafiq Nasrallah – 25, Gaza. Nasrallah was arrested at the Rafah border crossing on 1 November 1997 on his return to Gaza from Syria after finishing a law degree. The PCHR appointed an Israeli lawyer to defend him before Israeli courts. He was tortured during interrogation and released on 4 February 1998 with a fine of 8000 shekels.
- 3) Muhammad Hassan Abu Sultan – 22, Gaza. Abu Sultan was arrested on 19 October 1997 at the Rafah border crossing while leaving Gaza to study in the Sudan. On 29 October, the PCHR appealed to the Israeli High Court of Justice to stop the use of torture against Abu Sultan by Israeli interrogators. Another appeal was filed at the Military Court of Appeals against the extension of his detention. On 22 December 1997, he was sentenced to four months in prison and a fine of 1000 NIS.
- 4) Mustapha Hassan Abu Nasser – 22, Jabalia. Abu Nasser was arrested on 25 October 1996 near Bir Zeit University because he had no permit to live in the West Bank. In coordination with Bir Zeit University, the PCHR followed this case and intervened on his behalf before the Israeli military court at Erez.

***El Asra (Prisoners) – Special update on Palestinian and Arab prisoners in Israeli prisons***

During 1997, the PCHR began to issue the occasional publication, *El Asra (Prisoners)*, concerned with Palestinian and Arab prisoners inside Israeli jails. *El Asra* aims at the following:

- To provide a data-base about prisoners in Israel including information about their living conditions and Israeli practices against them.
- To evaluate their living conditions and the practices against them in light of accepted international norms relevant to their case, especially the UN Standard Minimum Rules for the Treatment of Prisoners (1955).
- To contribute to the effort to ensure the release of Palestinian prisoners as a basic legal, international, and humanitarian commitment and as an obligation required by the Interim Agreement signed by Israel and the PLO.

In addition to data obtained by the Legal Aid Unit and the Field Work Unit, the PCHR also hired an ex-prisoner to gather additional information, which was vital for the

publication of *El-Asra*. The first issue covered a variety of subjects relevant to prisoners. It included statistics about the number of prisoners and their distribution in Israeli jails and detention centers. The issue also included a thorough analysis of the articles of the Interim Agreement relevant to the release of prisoners and demonstrated the systematic Israeli breaches of the agreements.

Among the breaches discussed were the restrictions imposed by Israeli authorities on family visits. These restrictions isolate Palestinian prisoners from the outside world and violate their fundamental right to receive visits, which is internationally accepted in humanitarian and human rights law. The publication also exposed the implications of restrictions imposed on Gazan lawyers, which deny them access to their clients and courts for purposes of legal aid and representation.

*Al-Asra* also included information about the systematic use of torture and other forms of cruel, degrading, and inhuman treatment of prisoners. The article pointed to Israeli High Court of Justice rulings that legalize the use of torture against Palestinian detainees. With legal cover from the highest judicial authority, Israel is the only country in the world that has legalized torture. Finally, *Al-Asra* addressed the living conditions of prisoners and exposed specific cases in which Israeli authorities used excessive force against detainees. The two major cases discussed were:

- 1) The use of excessive force against prisoners in Majedo prison on 19 March 1997, when Israeli soldiers shot gas canisters and rubber bullets at the prisoners. Ten prisoners were injured and sent to a hospital.
- 2) On 6 May 1997, the prison administration at Nafha prison unleashed a special force that attacked prisoners and beat them with clubs.

#### ***Poster about Palestinian prisoners in Israel***

As part of the PCHR's activities to commemorate Palestinian Prisoners' Day on 17 April 1997, the PCHR produced a special poster created by Palestinian artists expressing the suffering of prisoners and their aspirations for freedom. The poster also reflected popular solidarity with prisoners and their just cause. The poster was distributed both locally and internationally and was a significant part of the marches in the Gaza Strip.

#### ***Press releases regarding Palestinian prisoners in Israel***

- 1) On 13 January 1997, the PCHR issued a press release about the death of Riyad Odwan at Beer Sheva prison on 12 January. As stated above, Odwan was arrested on 12 April 1991 after attempting to stab an Israeli soldier in Rafah. He was shot in the chest, legs, and left arm by Israeli soldiers and later sentenced to 24 years in prison. On 12 January 1997, Odwan died at Beer Sheva prison in Israel. His family was informed of his death by a phone call from a prisoner. He informed the family that Odwan, who suffered from asthma and chest pains, died as a result

of a heart attack. The prisoner stated that other prisoners had asked the prison administration for urgent medical aid, but that such aid was provided only after a delay. Later Odwan was sent to the hospital, where he arrived dead. Odwan's wife informed the PCHR in November 1995 that she had visited her husband and that he appeared pale, weak, and in a worse state of health than ever before. He had informed her that he did not receive the proper medication and that the prison doctor demonstrated a complete lack of concern. The press release also reported that many Palestinian human rights groups had repeatedly demanded the release of Odwan due to his poor health conditions.

- 2) On 12 February 1997, the PCHR issued a press release on the occasion of the release of Palestinian female prisoners from Israeli jails after 16 months of delay. According to Article 16 of the Interim Agreement of September 28, 1995 signed by Israel and the PLO, confidence-building measures should be taken by both sides to create a general atmosphere of support for the agreement. These confidence-building measures included, inter alia, the release of Palestinian prisoners in three stages, the first of which was to be implemented immediately after signing the agreement. According to the agreement, all Palestinian female prisoners were among those to be released in the first phase. Israel did not fulfill this commitment until February 1997, 16 months after the agreement was signed. The press release further called for the immediate release of all Palestinian prisoners in accordance with creating an environment of peace in the region.
- 3) On 15 April 1997, the PCHR issued a press release in commemoration of Palestinian Prisoners' Day on 17 April. The release expressed the PCHR's deep concern over the living conditions of Palestinian prisoners and demanded international intervention to protect Palestinian prisoners. The press release stressed the importance of intervention from high contractors to international conventions, especially the Fourth Geneva Convention. Silence on the part of the international community is interpreted as responsibility for crimes perpetrated by Israel.
- 4) On 14 May 1997, the PCHR issued a press release condemning the oppressive Israeli measures against Palestinian detainees at Nafha prison. According to information collected by the PCHR, a special force run by the prison administration attacked 17 prisoners with clubs on 6 May. A number of the prisoners were injured. The press release asserted that Israeli practices against Palestinian detainees violate international conventions and demanded protection for prisoners held hostage by Israel.
- 5) On 13 November 1997, the PCHR issued a press release about the decision by Israeli authorities to issue magnetic cards to Gazan women who wish to visit their husbands in Israeli prisons. The PCHR warned against this step, considering it another measure in the systematic Israeli policy to tighten its grip on Palestinian civilians in the West Bank and Gaza. The press release recalled that in late 1988 the Israeli occupation authorities issued a military order requiring all male Gazans

over the age of 16 to obtain a magnetic card as a precondition for applying for access to enter Israel. The magnetic card alone did not grant permission to enter Israel and its imposition came as part of a system of restrictions imposed on the movement of Palestinian civilians. Through the system of magnetic cards, Israel has been able to restrict the movement of thousands of Gazans by refusing to issue them cards.

### SETTLER ACTIVITIES AND THEIR PROTECTION BY ISRAELI SOLDIERS INSIDE THE GAZA STRIP

Israeli authorities have maintained their policy of expanding and establishing Jewish settlements in all of the Occupied Palestinian Territories, in a severe breach of international law and UN resolutions. Although Palestinian and Israeli officials agreed to postpone negotiations over settlements to the final status negotiations, a freeze on settlement activities has been a fundamental requirement for sustaining the peace process since its inception in Madrid in 1991. According to Article 31 of the Israeli-Palestinian Interim Agreement signed in Washington, DC on September 28, 1995 by representatives of Israel and the PLO, the parties agree to avoid taking “any step that will change the status of the West Bank and Gaza Strip, pending the outcome of the final status negotiations.”

Israel was therefore temporarily allowed to retain its more than 150 settlements in the Occupied Palestinian Territories, including 18 settlements in the Gaza Strip with a population of 5000 settlers. It was understood, however, that the agreements obligated Israeli authorities to freeze all settlement activities in the Occupied Palestinian Territories. Israeli authorities have never lived up to these commitments and, with the arrival of the Likud coalition in May 1996, the Israeli government has accelerated its settlement program to a level unprecedented since the start of the peace process.

In August 1996, the new Israeli cabinet canceled a decision, taken by the previous Labor government of Yitzhak Rabin under international pressure in June 1992, to freeze settlement construction. In 1997, the government of Israel intensified its campaign to establish new settlements and expand existing ones. It also intensified its illegal confiscation of Palestinian land for constructing settlements and bypass roads to connect the settlements with Israeli territory, in order to avoid passing near Palestinian cities and populated areas.

During 1997, the Palestinian Centre for Human Rights concentrated considerable effort on settlement activities in the Gaza Strip, including settler and Israeli soldier attempts to confiscate Palestinian land and settler practices against Palestinian civilians. These provocative activities often resulted in clashes with Palestinian civilians who confronted settlers and soldiers in defense of their threatened land.

### ***Study on Israeli Settlements in the Gaza Strip***

In January 1997, the PCHR published a book on Israeli settlements in the Gaza Strip. The first part of the 105-page book presented a thorough analysis of the Israeli settlement program, the goals of the settlement policy, the confiscation of land, the provocative practices of the settlers, and the role of the Israeli government in protecting and promoting settlements. Part two of the study concentrated on the position of international law with regard to settlements, confirming that all Israeli settlement activities in the Occupied Palestinian Territories, including Jerusalem, are illegal. The third part of the study provided a comprehensive analysis of all settlements in the Gaza Strip: number, size, demography, history, and economy. This section also concentrated on provocative and violent activities carried out by settlers against Palestinian civilians and Israeli attempts to confiscate additional Palestinian land, according to data and information gathered by the Field Work Unit of the PCHR.

### ***Press releases regarding settlements in the Gaza Strip***

During 1997, a number of press releases were published by the PCHR on various issues related to settlements and the activities of settlers inside the Gaza Strip.

- 1) On 27 April 1997, the PCHR issued a press release condemning the clearing of land close to settlements in El-Mowasi area, near Khan Younis. On 23 April, an individual settler seized and fortified five dunums of land near Kfar Doram settlement, under the protection of Israeli occupation forces. Later, Palestinian civilians organized a sit-in to protest the confiscation and bulldozing of their land. The Israelis intensified their fortifications and closed both the surrounding area and the Tufah checkpoint, the only passage between the area and the rest of Khan Younis. Residents of El-Mowasi were denied access to their lands and those who were out of the area were not allowed to return home, including over 300 students between the ages of 7 and 17. The press release urged immediate intervention by the international community to stop the deterioration of the situation. The PCHR considered Israeli occupation forces completely responsible for the situation and warned of the use of force against civilians.
  
- 2) On 16 June 1997, the PCHR issued a press release warning about increased tension as a result of a further escalation of settlement activities. The day before, Israeli settlers, supported by soldiers, bulldozed and fortified 70 dunums of Palestinian land in Deir El Balah as an initial step in confiscating and annexing the land to the settlement of Netzer Hazani. When Palestinian civilians gathered to protest the settlers' activities, a settler shot his pistol at a Palestinian youth, injuring him in the foot. Israeli soldiers fired gas canisters against protestors. The PCHR also mentioned an earlier attempt by Israeli settlers and soldiers to gain control of Palestinian land close to the settlement of Muraj, near Rafah. This attempt also sparked clashes between civilians and Israeli soldiers. The PCHR considered the Israeli government completely responsible for the deterioration of

the situation and for the provocative practices carried out by soldiers and settlers against Palestinian citizens and their property. The PCHR urged the international community, especially the co-sponsors of the peace process, to exert pressure on the Israeli government to stop activities designed to change the status of the Occupied Palestinian Territories in defiance of international law and the peace agreements.

- 3) On 2 July 1997, the PCHR issued a press release after a Palestinian youth was shot dead while protesting the confiscation of Palestinian land near Deir El-Balah. Earlier that day, an Israeli bulldozer began clearing Palestinian land near the settlement of Netzer Hazanim. Palestinian civilians immediately began gathering at the threatened land and organized a sit-in to protest the illegal Israeli activities. Israeli soldiers, large numbers of whom were present to protect the settlers, began shooting live ammunition and gas canisters at protestors who threw stones at the soldiers. Maher El-Assar, an 18 year-old Palestinian civilian, was shot dead by Israeli soldiers with a bullet in the heart. The press release reiterated demands for the international community to intervene against the use of excessive and deadly force by Israeli soldiers against Palestinian civilians. Also they urged intervention to end the creation of facts on the ground aimed at changing the status of the Occupied Palestinian Territories in a fundamental breach of international law and the Interim Agreement.
- 4) On 3 July 1997, the PCHR issued a press release exposing the activities of an American hotel chain opening a branch in the Gush Katif settlement in Gaza. The press release, based on PCHR field-work investigations, revealed that in early 1997 the American hotel chain Days Inn had opened a new franchise in Gush Katif: Days Inn-Palm Beach. The press release pointed out that all six Days Inn franchises in Israel and the Occupied Palestinian Territories were run by the same Israeli citizen. The brochure of Days Inn-Palm Beach included a distorted map which did not refer to its location within Occupied Palestinian Territory. The plan did not even mention the Gaza Strip, despite international recognition that the Gaza Strip is Occupied Palestinian Territory.

The release also stressed the illegal status of settlements according to international law, in particular the Fourth Geneva Convention, and urged the international community to prevent all corporations registered in their territories from investing in Israeli settlements in the Occupied Palestinian Territories. The press release also called for the immediate implementation of the Fourth Geneva Convention and urged the government of the United States to take serious measures against such corporations, in particular Days Inn. The absence of such measures represents official approval of illegal settlement activities carried out by Israel in the Occupied Palestinian Territories. It should be mentioned that the Days Inn affair, uncovered by PCHR, has received international attention. Many organizations in the United States have organized campaigns to force Days Inn to end its illegal project in the Gaza Strip.

- 5) On 6 December 1997, the PCHR issued a press release regarding the confiscation of Palestinian land near Rafah. Israeli occupation forces bulldozed 160 dunums of Palestinian land along Gaza's border with Egypt in order to expand a military installation. The PCHR pointed out that this step was part of a systematic escalation of settlement activity in the Occupied Palestinian Territories carried out by the Government of Israel. On 6 December, Palestinian civilians protesting this confiscation were confronted with the indiscriminate firing of live ammunition and gas canisters. A number of citizens were injured, including a three-year-old child and a photographer working with the Associated Press. The PCHR considered the Israeli government responsible for the dangerous escalation of tension in the area and demanded international pressure on the Government of Israel to live up to commitments under international law and the peace process.

#### THE USE OF EXCESSIVE FORCE BY ISRAELI SOLDIERS AGAINST PALESTINIAN CIVILIANS IN GAZA

During 1997, three Palestinians from Gaza were shot dead and 13 others injured by Israeli soldiers.<sup>7</sup> According to information gathered by the PCHR, these people were all shot in circumstances that did not threaten the lives of Israeli soldiers. In at least two cases, the Israeli soldiers used excessive force with the intent to kill.

##### *Palestinian citizens killed by Israeli soldiers in Gaza*

- 1) Abdel Karim Mahmoud El-Krinawi – 58, Deir El-Balah. On 12 June 1997, El-Krinawi was participating in a peaceful sit-in protesting settler attempts to confiscate Palestinian land around the settlement of Muraj near Rafah. Clashes erupted between Palestinian civilians and Israeli soldiers, who began shooting gas canisters and live ammunition. El-Krinawi, who was sitting in a tent, lost consciousness and suffered a heart attack due to the inhalation of tear gas. He died on his way to the hospital.
- 2) Ibrahim Tawfiq Abu Rtaima – 14, Rafah. On 22 June 1997, an Israeli soldier shot Abu Rtaima in the head. He was transferred to Al-Shifa hospital in Gaza and died on 3 July. Abu Rtaima was deaf and dumb. Information obtained by the PCHR revealed that Abu Rtaima was walking near an Israeli military unit when he was shot.
- 3) Maher Abdel Minam El-Assar – 18, Deir El Balah. El-Assar was shot in the heart by an Israeli soldier and died instantly. The incident took place on 2 August

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<sup>7</sup> A fourth Palestinian from Gaza, Fawzi Hamid Abu Bakra, 34, from El-Qarrara, was shot dead by an Israeli citizen on 15 May 1997 while working in Hasharon in Israel. The killer claimed that Abu Bakra was attempting to steal his car. Until now, the PCHR has not been able to obtain results of the official investigation from Israeli police.

when Israeli soldiers began shooting live ammunition and gas canisters towards Palestinian civilians gathering on Palestinian land in Deir El-Balah to protect it from confiscation.

***Palestinian citizens injured by Israeli settlers and soldiers***

- 1) Ayman Hamad Kishta – 29, Rafah. On 24 March 1997, Kishta was shot by Israeli soldiers in the shoulder and the back at an Israeli checkpoint in Rafah. Accompanied by his brother, Kishta was riding on a cart going to farm in El-Mowasi, under Israeli security jurisdiction.
- 2) Mamdouh Mustapha Abu Shalouf – 13, Rafah. On 5 May 1997, an Israeli soldier in a military jeep hit Abu Shalouf 500 meters away from a military checkpoint. Abu Shalouf was returning home from school in an area under Israeli control. He suffered a broken, bleeding leg and injuries to the face and chest. Information received by the PCHR confirmed that the Israeli vehicle was travelling at an excessive speed when it hit the child.
- 3) Abdel Karim Ahmad Al-Astal – 20, Qarrara. On 12 June 1997, an Israeli settler driving his car fired indiscriminately towards Palestinian demonstrators near a crossroads leading to the Gush Katif settlement. The Palestinians were protesting the construction of a shrine to commemorate the death of an Israeli settler killed in clashes during September 1996. Al-Astal happened to be walking along the road and had no relation with the demonstrators when he was shot in the leg.
- 4) Saleh Yousef Mismeh – 51, Khan Younis. Mismeh was injured in the leg while travelling by car from Gaza to Khan Younis in the same incident.
- 5) Sameh Ayesh Al-Aimawi – 27, Qarrara. Al-Aimawi was injured on 12 June 1997 when a settler hit him with his car while Al-Aimawi was walking on a road controlled by Israeli occupation forces in the middle area of the Gaza Strip.
- 6) Fuad Abed Al-Nahal – 50, Rafah. Al-Nahal was shot in the chest and arm by live ammunition when Israeli soldiers fired at Palestinians demonstrating against the confiscation of their land near Rafah. Arbitrary firing was reported in the incident.
- 7) Walid Khader Afana – 24, Rafah. Afana was injured in the head in the same incident.
- 8) Muhammad Ismail Al-Salkawi – 20, Deir El-Balah. On 16 June 1997, Al-Salkawi was shot in the knee when a settler opened fire against Palestinian civilians gathered in a sit-in on confiscated Palestinian land near Deir El-Balah.



- 9) Ahmad Haidar Al-Abeet – 15, Deir El-Balah. Al-Abeet was shot in the leg when Israeli soldiers opened fire against Palestinian demonstrators near the Kfar Dorom settlement in the middle area of the Gaza Strip on 27 September 1997.
- 10) Farid Aid Mu'ammam – 30, Rafah. On 30 October 1997, Mu'ammam was shot in the face by a rubber bullet when Israeli soldiers opened fire against high school students in Khan Younis. Students threw stones against settlers after soldiers attempted to confront a peaceful student march near the school. Farid Mu'ammam is a teacher at the school and happened to be in the area when Israeli soldiers began firing live ammunition, rubber bullets, and tear gas.
- 11) Mahmoud Khamis Heikal – 17, Khan Younis. Heikal was shot in the stomach by a rubber bullet in the same incident.
- 12) Ahmad Mahmoud Hijazi – 3, Rafah. Hijazi was shot in the throat by a rubber bullet while playing on the roof on his house in Rafah while nearby there was a peaceful sit-in by Palestinian civilians on land threatened with confiscation. The Palestinian civilians attempting to hold their afternoon prayer, were confronted with the firing of sound bombs, tear gas canisters, live ammunition, and rubber bullets from the Israeli soldiers. One of these bullets struck Hijazi.
- 13) Najib Zakariya Abu El-Jubain – 30, Gaza. Abu El-Jubain, a photographer working with the Associated Press, was shot in the arm by a bullet on 5 December 1997, while covering clashes in Rafah.

#### **VIOLATIONS PERPETRATED BY ISRAELI MARINES AGAINST PALESTINIAN FISHERMEN ALONG THE GAZA COAST**

During 1997, Israeli marines escalated their illegal activities against Palestinian fishermen along the coast of the Gaza Strip. These illegal activities included firing at Palestinian boats, arresting fishermen, and confiscating boats and equipment. According to the Interim Agreement signed by the PLO and the Government of Israel, Palestinian boats have the right to fish in an area 20 nautical miles wide. Israel has never lived up to this agreement. On many occasions, the Israeli marines announce that the coast is a closed military area and deprive Palestinian boats of the right to fish for several days. For example, on 30 August 1997, Israeli marine forces stopped Palestinian boats and ordered the fishermen to leave the sea within five minutes because the area had been closed. The boats were forced to return before fishermen were able to retrieve their nets and equipment. This closure was imposed for six days, costing Palestinian fisherman great losses.

## OTHER PRACTICES BY ISRAELI OCCUPATION FORCES IN GAZA

In addition to settlement activities, confiscation of land, and the use of excessive force against Palestinian civilians, 1997 also witnessed the daily perpetration of tremendous provocative activities by Israeli soldiers and settlers against Palestinians who reside in areas under Israeli security jurisdiction and nearby areas controlled by the Palestinian Authority. In the settlement of Kfar Yam, near the beach of Khan Younis, settlers terrorized Palestinian children with their trained attack dogs. Israeli soldiers at checkpoints repeatedly stopped Palestinian citizens for hours and subjected them to searching, the temporary confiscation of ID cards, and other provocative practices. In many other cases, Israeli soldiers beat Palestinian citizens at these checkpoints and fired live ammunition, rubber bullets, and gas canisters at them in areas under the jurisdiction of the PA.

During 1997, Israeli soldiers and settlers also carried out many seemingly meaningless activities intended to provoke the Palestinians and make their lives difficult. Israeli occupation forces continuously closed the roads connecting areas under the jurisdiction of the PA, such as the road leading to El Mowasi and the main road between Rafah and Gaza near Gush Katif and near Deir El Balah. On 1 June 1997, Israeli soldiers attacked a primary school in Deir El Balah under the pretext that students threw stones at soldiers. Israeli settlers drive their cars in a dangerous manner at excessive speeds, leading to the injury of many Palestinian citizens, including school children going to or returning home from school. In an effort to strangle Palestinian citizens residing in El Mowasi, Israeli soldiers at the checkpoint between Khan Younis and El Mowasi deny access to construction material, fertilizers, and pesticides. And settlers of Neve Dekalim, to the west of Khan Younis, direct their sewage to flow towards Palestinian communities. This pollutes the areas, attracts insects, creates a very unhealthy environment, and causes many diseases in Palestinian children. Settlers also allow their sewage to flow into the sea, causing terrible smells, unhealthy water, and polluted areas under Palestinian jurisdiction.

### ***Press releases regarding other Israeli violations***

- 1) On 6 January 1997, the PCHR issued a press release regarding the Israeli agreement to release the bodies of Hassan Abbass and Salah Jad Allah to their families after holding them for two years. Hassan Abbass, from Gaza, born 1975, participated in a military operation in Jerusalem on 9 October 1994. He was killed by an Israeli military unit. Salah Jad Allah, from Gaza, born 1972, participated in kidnapping an Israeli soldier on 19 September 1994. According to commands from late Prime Minister Yitzhak Rabin, Israeli soldiers attacked the house where the soldier was being held. During the operation on 14 October 1994, the soldier and all of his kidnappers, including Salah Jad Allah, were killed. Since that time, Israeli authorities had refused to release the bodies of Abbass and Jad Allah. They conditioned such a release on Palestinians uncovering the burial place of an Israeli soldier kidnapped and killed by the Islamic Resistance Movement, Hamas. On 12 February 1995, the Israeli High Court of Justice affirmed this position in ruling on

an appeal. The Court decision angered Palestinians. In deciding to hold bodies as ransom, the State of Israel was overtly defying human and religious values that demand the burial of the dead. On 22 August 1996, after the body of the Israeli soldier, Ilan Sadon, was found, the PCHR and the Center for Defense of the Individual–HaMoked sent a joint letter to General Oran Shahor, Coordinator of Israeli government activities in the Occupied Palestinian Territories, demanding the release of the two bodies.

- 2) On 29 January 1997, the PCHR issued a press release after Israeli authorities released the bodies of Abbass and Jad Allah. In early January, the PCHR received the Israeli decision concerning the release and immediately made contact with the concerned institutions in the PA, to receive the bodies of Abbass and Jad Allah and put an end to this two year human tragedy.
- 3) On 8 July 1997, the PCHR issued a press release condemning the decision of Israeli Prime Minister Benjamin Netanyahu to appoint Ehud Yatom as his Counselor’s Assistant for Terrorism Affairs. The press release reported that in an interview published by the Israeli newspaper, *Yediot Ahronot*, on 26 July 1996, Ehud Yatom confessed that he killed two members of the Palestinian resistance in 1984 after they had been detained by Israeli soldiers in what is known as the Bus 300 Affair. On 10 August 1986, Yatom was granted presidential amnesty after he provided falsified testimony before an investigation committee established for this affair. Following Yatom’s confession, on behalf of the victims’ families, the PCHR demanded the reopening of this file and the reconsideration of Presidential amnesty for the killer. However, the Israeli Attorney General refused the PCHR demand, claiming that the amnesty covered all activities that led to the death of the two Palestinians. The PCHR press release considered the decision to appoint Yatom to this new position as an official reward for his crime. According to the press release, the decision reflects the deterioration of ethics and values in the Israeli administration.<sup>8</sup>

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<sup>8</sup> The response of the Attorney General can be obtained from the PCHR.

## PROMOTING THE RULE OF LAW AND DEMOCRACY IN AREAS UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY

A crucial part of the PCHR's activity during 1997 was dedicated to encouraging respect for the rule of law and promoting the development of democracy and democratic institutions in Palestinian society. The PCHR believes that the evolution of an active civil society, within the context of democracy, is essential for the development of a democratic Palestinian society as well as for activating the potential force of Palestinian society for participation in the building of the Palestinian national project.

Over the last few years, the PCHR has developed a strategy based on constructive dialogue with the Palestinian Authority, urging it to take necessary measures and to enact laws to guarantee respect for the rule of law, human rights, and the promotion of democracy. However, during 1997, the PCHR dedicated a vital part of its work to monitoring human rights violations perpetrated by various Palestinian security forces. The PCHR also played an active role with regard to respect for the rule of law and the development of democracy within areas under Palestinian jurisdiction.

During 1997, the PCHR recognized a cosmetic improvement in the human rights record of the PA, including improvement in the rule of the police, acceptance of human rights training for security forces, and rhetoric appraising human rights groups and demonstrating respect and willingness to cooperate on matters of human rights. Nevertheless, the PA is required to incorporate qualitative changes in its policies regarding core issues in order to create a base from which to improve its human rights record in the future. The PCHR reports its deep concern over three core issues that demonstrate the most prominent violations and represent a real challenge to the PA over the following years. That challenge exists, of course, only if there truly is the will to change in order to protect human rights. These core issues are the following:

- 1) *Judicial Authority.*

According to 1997 documentation, the PCHR concluded that the PA has not taken serious steps to ensure the independence of the judiciary and to promote respect for the decisions of the courts.

  - 1997 witnessed grave breaches of court decisions, including decisions of the highest judicial authority, the Palestinian High Court of Justice. Such breaches, however rare, provide an essential indicator that cannot be ignored when evaluating the human rights situation in Palestine.
  - The PA has not taken serious measures to strengthen the role of the Attorney General's office. In fact, the powers of the Attorney General were undermined,

thus crippling an important component of justice and damaging the principle of the rule of law and the human rights situation.

- On many occasions, the prison administrations refused to obey decisions of the court and orders of the Attorney General.

2) *Legislative Authority.*

During 1997, the Palestinian Legislative Council failed to adopt the Basic Law for the interim period. According to article three of the Palestinian Election Law (1995), the top priority of the PLC was to adopt this Basic Law. The PCHR acknowledges the many difficulties and obstacles faced by the Council, especially the lack of cooperation from the Executive in adopting the Basic Law that passed the third reading in the Council. Nevertheless, the PCHR believes that the PLC has not done enough to ensure the promulgation of the Basic Law. At the same time, the PLC has not played an active role in terms of monitoring and holding accountable the executive authority, which is a crucial part of its mission. The PLC has also failed to take serious steps to force the Executive to work in accordance with its decisions.

3) *Executive Authority.*

During 1997, the PCHR was not convinced that the institutions of the executive authority have carried out their activities in accordance with the law and in a way that promotes the rule of law. That was clear in terms of overturning court decisions and undermining the authority of the elected Legislative Council.

Regarding these three core issues, the PCHR is deeply concerned to report no improvement in the human rights record of the PA. The PCHR believes that serious measures should be taken on these three levels in order to strengthen the rule of law, achieve concrete and qualitative improvements in the human rights situation, and advance the development of democracy and an active civil society. No extenuating circumstances may justify the non-fulfillment of the PA's obligations towards the Palestinian society. The PCHR believes that the PA cannot achieve and maintain power and strength without committing itself to these core issues in all circumstances.

### **ILLEGAL ARRESTS CARRIED OUT BY SECURITY FORCES**

During 1997, the PCHR continued its work to end illegal detention in Palestinian prisons. Despite the fact that the number of detainees declined in 1997, more than 50 detainees remain held in Palestinian prisons in Gaza without charges. Some of these prisoners have been held for 25 months without being brought before a judge and have been denied the right to legal defense and a fair trial. The majority of these detainees were detained for their political beliefs and affiliation with Islamic groups opposing the peace process with Israel.<sup>9</sup> They were detained in massive waves of arrests carried out under pressure and political blackmail exerted on the PA by the

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<sup>9</sup> 47 of the 50 prisoners are affiliated with the Islamic Resistance Movement, Hamas.

governments of the United States and Israel. The PCHR also reported a number of cases in which politicians, human rights activists, and citizens were arrested for their criticism of illegal activities carried out by the PA or members of the security forces. In pursuing the files of these detainees, the PCHR has worked through the legal procedures guaranteed by Palestinian law. In addition to press releases issued by the PCHR and formal and informal contacts with the PA, lawyers of the PCHR have represented their clients before Palestinian courts.

***Intervention before courts and concerned bodies on behalf of Palestinian detainees***

During 1997, lawyers from the Legal Aid Unit of the PCHR intervened on behalf of tens of detainees before Palestinian courts and concerned bodies. The unit addressed 44 files and sent 36 letters to the Palestinian Attorney General inquiring about reasons for the continued detention of PCHR clients and demanding to visit these clients. However, the PCHR did not receive a single response from the Attorney General. In 1997, lawyers from the PCHR were only allowed to visit 13 prisoners after they were transferred to the Gaza Central Prison. Two other prisoners were visited by PCHR lawyers at detention centers of the preventive security forces and the military intelligence.

***Press Releases concerning illegal arrests***

- 1) On 11 March 1997, the PCHR issued a press release demanding the release of Palestinian prisoners detained without charge. The PCHR welcomed the decision of the PA to release Dr. Ibrahim El Maqadma, a prominent Islamic activist in the Gaza Strip, who had been detained without trial since 2 March 1996. Dr. El Maqadma was arrested during a massive campaign of arrests carried out by Palestinian security forces in the wake of suicide operations inside Israel during February and March 1996.<sup>10</sup> At the same time, the PCHR demanded the release of all prisoners held without charges and without due process provided by Palestinian law. The press release reported that the prisoners had begun taking steps to protest their illegal detention, including a hunger strike that began on 6 March 1997 and lasted for many days. The PCHR also demanded that the PA put an end to this situation and guarantee the right of prisoners to due process, either through bringing them before a fair trial or releasing them.
  
- 2) On 12 July 1997, the PCHR issued a press release after the Palestinian High Court of Justice gave the Preventive Security Forces an ultimatum of eight days to respond to an appeal presented by PCHR lawyers against the illegal arrest of Dr. Fathi Suboh. The press release reported that Palestinian Preventative Security Forces arrested Dr. Suboh on 2 July 1997. Dr. Suboh was a lecturer of education at Al-Azhar University and a community leader. Sources of the Preventive Security reported that Dr. Suboh was arrested for security reasons. His wife, however, testified to the PCHR that her husband was arrested after asking his

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<sup>10</sup> Dr. Maqadma was rearrested on 10 April 1998 and held without trial.

students to answer an examination question about administrative corruption at Al-Azhar University and in the Palestinian Authority. The day following his arrest, the PCHR contacted the Palestinian Ministry of Justice and sent a letter to the Deputy Attorney General<sup>11</sup> demanding the following:

- Reasons for Dr. Suboh's arrest and the charges against him.
- Reasons for not bringing him before a judge within 48 hours, as required by Palestinian law.
- Reasons for lack of due process in the arrest.
- A permit for lawyers from the PCHR to visit their client.

The PCHR received no response from the Attorney General's office and appealed to the High Court of Justice to guarantee the release of Dr Suboh and to uncover the reasons for his illegal arrest and continued detention.

- 3) The PCHR issued a second press release on 22 July 1997 regarding developments in the case of Dr. Suboh. A force from the Palestinian police entered his home and confiscated students' responses to an examination held by Dr. Suboh. This step clearly supported the evidence that Dr. Suboh was arrested due to that examination. The press release considered this a severe attack on academic freedom. This attack threatened the well-being of tens of students, who were supposed to answer the questions objectively and to express their opinions in a private examination.
- 4) On 10 August 1997, the PCHR issued a press release regarding the convention of the Palestinian High Court of Justice on 9 August to consider the case of Dr. Fathi Suboh. The Court postponed its decision until 6 October. During the hearing, however, the representative of the Attorney General's office informed the court that the State Security Court had extended the detention of Dr. Suboh. He argued that the High Court of Justice had no jurisdiction to consider the case according to Palestinian law.<sup>12</sup> The PCHR stated that the Palestinian Attorney General had not informed Dr. Suboh or his lawyers that his case was under consideration before the State Security Court or that his detention had been extended by this court. Lawyers of the PCHR stated that Dr. Suboh had been tortured and that he carried out a hunger strike for 36 days. They added that the continued detention of Dr. Suboh had a negative impact on the image of the

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<sup>11</sup> At the time, the office of the Attorney General was vacant after the dismissal of Attorney General Khalid Al Qidra. On 18 July 1997, Mr. Fayez Abu Rahma was appointed Attorney General. He resigned his position in May 1998.

<sup>12</sup> In February 1995, the Palestinian Authority established the State Security Court by a decree from President Arafat to consider cases with sensitive political character. The formation of this court came after pressure exerted from the governments of Israel and the United States on the Palestinian Authority. Palestinian human rights groups strongly opposed the formation of the State Security Court and its continued presence and activity, since it functions in contradiction to accepted standards and requirements for fair trial. Human rights groups have warned against the destructive effects of this court on the independence of the judiciary and the development of civil society in Palestine.

judiciary and the legal system in Palestine. They insisted that their client be released for lack of due process in his arrest.

- 5) On 18 August 1997, the PCHR issued a press release expressing its deep concern over attempts by some security forces to undermine the power and jurisdiction of the Palestinian Attorney General regarding prisoners in Palestinian jails. The press release noted that Attorney General Fayeze Abu Rahma had ordered the release of eleven prisoners who had been held without trial for many months in Gaza Central Prison. Three hours after their release on 15 August, Palestinian security forces re-arrested these men. Colonel Muhammad Al-Tanani, then director of the Prisons Administration and director of the Gaza Central Prison, was arrested for his role in releasing the prisoners, as was Emad Kaloub, an assistant to the Palestinian military attorney who was believed to have signed the release orders.
- 6) On 14 September 1997, the PCHR issued a press release expressing its deep concern over a statement by the Palestinian Attorney General regarding the arrest of Palestinians in accordance with emergency defense regulations issued in 1945. On 10 September, Mr. Fayeze Abu Rahma informed journalists that he had not ordered the arrest of Islamic opposition figures and that these arrests were carried out in accordance with Emergency Regulations, which give the President absolute powers of arrest. The Attorney General added that these regulations are still in effect today. The Emergency Regulations to which Mr. Abu Rahma referred were promulgated on 22 September 1945 to confront anti-colonial resistance by the Palestinian people, to facilitate the establishment of the Zionist project in Palestine, and to serve the colonial interests of Great Britain, then the mandate power in Palestine. The press release warned against the danger that would result from activating these regulations, which represent a severe breach of human rights standards and which undermine all efforts to promote democracy and civil society in Palestine. The PCHR also sent a letter to the Palestinian Attorney General on 14 September to inquire about whether, why, and when the PA implemented these Emergency Regulations. In case the PA had implemented such regulations, the PCHR inquired about the body to be addressed by human rights groups and lawyers pursuing cases of detainees arrested in accordance with the regulations and without a permit from the Attorney General. The PCHR has yet to receive an answer from the Attorney General. The PCHR also appealed to President Yasser Arafat for intervention in order to preserve respect for the power of the Attorney General, to ensure that he carries out his function in accordance with the law, and to guarantee that the security forces respect his decisions and orders.
- 7) On 6 October 1997, the PCHR issued a press release expressing its deep surprise over a ruling by the High Court of Justice, which dismissed an appeal presented by the PCHR demanding the release of Dr. Fathi Suboh. The Court stated that it dismissed the appeal because it had no jurisdiction to review cases that were reviewed by the State Security Court. In the press release, the PCHR stated its determination to continue demanding the immediate release of Dr.



Suboh, to concentrate publicly on the issue of academic freedom and freedom of expression, and to stress the illegal nature of the continued detention of Dr. Suboh.

- 8) On 14 October 1997, the PCHR issued a press release calling upon the PA to end the detention of prisoners from the Islamic opposition. Around 50 prisoners began an open-ended hunger strike on 12 October. In a letter sent to the PCHR, they stated that their step was in protest of their illegal arrest, and described their conditions as explosive. They also stated that they were hostages to a political situation that had no end. The press release demanded that the PA take serious measures to ensure respect for the rule of law and to put an end to their suffering. Many of the prisoners had been detained without trial since February 1996, when they were arrested under pressure exerted on the PA by the governments of the United States and Israel following suicide attacks on Israeli targets. The press release argued that the PA must maintain the rule of law, which provides the security and stability necessary for the Palestinian Authority to confront the pressure of the US and Israel, urging it to abuse human rights and defy the law through such illegal arrests. The PCHR also reiterated its demand for the immediate release of all prisoners held illegally and without charges in Palestinian prisons.
- 9) On 26 November 1997, the PCHR issued a press release expressing its satisfaction over the decision to release Dr. Fathi Suboh. The press release considered this step as coming far too late, however, due to the deterioration of Dr. Suboh's health while in detention. Dr. Suboh was transferred to Al-Shifa hospital unconscious on 6 October, where he remained unconscious for 20 hours. During the following days, his health continued to deteriorate and his doctors recommended that he be transferred outside of the country for medication. On a positive note, medical reports proved that his disease was a prior condition having nothing to do with torture during his detention. On 26 November, the State Security Court decided to release Dr. Suboh on bail of 5000 Jordanian Dinars (roughly \$7000). The court demanded that he present himself everyday at a police station and that he could leave the country only with written permission from the Attorney General. The PCHR, which had adopted the case of Dr. Suboh from the beginning, expresses its deep concern over the deterioration of his health conditions, which would not enable him to make his daily appearance at the police station. The PCHR demanded that all restrictions on the movement of Dr. Suboh be lifted so that he could travel outside of the country to receive medical treatment, as recommended by his doctors.

Immediately after the release of Dr. Suboh, the PCHR intensified its efforts to obtain a permit from the PA to allow him to travel abroad for medication. On 29 December, the PCHR received a letter from Palestinian Minister of Justice Frieih Abu Medain informing the PCHR that Dr. Suboh could leave the country for medication whenever he wanted. With the assistance of the State Government of Geneva and the Government of Norway, Dr. Suboh traveled in mid-January 1998 for medical treatment in Switzerland. The surgery proved successful and he

returned to Gaza. The PCHR continues its efforts to ensure that Dr. Suboh be returned to his academic position at Al-Azhar University.

#### DEATHS AS A RESULT OF TORTURE AND SUSPICIOUS CIRCUMSTANCES INSIDE PALESTINIAN PRISONS

During 1997, five persons were reported dead while in Palestinian prisons or after being transferred to hospitals from prisons in very critical conditions. Three deaths occurred in Gaza and two in the West Bank. In some of these cases, investigations proved that torture was used against the prisoner.

- 1) Yusef Ismail Al-Baba – 34, Nablus. Al-Baba died in the ICU at Rafidia Hospital in Nablus on 1 February 1997 after being transferred there the day before by Palestinian Military Intelligence. It was reported that Al-Baba was summoned on 3 January to the office of the Governor of Nablus. He was then transferred to the Military Intelligence Headquarters where he was detained and brutally tortured. The signs of torture were evident on his entire body, including gaps believed to be the result of an electric drill as well as signs that his hands and feet were bound and that his hands were tied behind his back to a wall (shabih). On 15 February, Palestinian police detained the Deputy Governor and the head of the Military Intelligence in Nablus, as well as members of the medical staff at Rafidia hospital who were involved in stealing Al-Baba's file from the hospital. However, no results of the official investigation were published.
- 2) Hakam Wajdi Kamhawi – 65, Nablus. Kamhawi died on 15 June 1997 in Ramallah hospital. On 5 June 1997, he was summoned by Palestinian security forces in Nablus on suspicions of involvement in land brokering activities with Israelis. The very same day, the Governor of Nablus called his family and informed them that Kamhawi had attempted to commit suicide and that he had been transferred to Ramallah hospital. Doctors at the hospital reported that Kamhawi swallowed organic phosphate, a type of pesticide that was found in his pocket. However, despite demands from the family, his body was not made available for autopsy. It remains unclear whether Kamhawi took the poisonous material by his own will or by force.
- 3) Sami Ali Abed Rabbo – 40, Jabalia. Abed Rabbo died in Gaza Central Prison on 30 June 1997. His family was informed of the death by a phone call to the head of the family from prison officials. He was informed that the death resulted from a heart attack. Abed Rabbo was arrested on 15 February by the Palestinian General Intelligence, apparently due to suspicions of collaboration with Israel. The PCHR immediately complained to the Attorney General, demanding an investigation into the affair. However, until now no investigation has been conducted. See below for more details about this case.

- 4) Nasser Al-Abed Radwan – 28, Sheikh Radwan, Gaza. Radwan died on 30 June at Al-Shifa hospital after being transferred unconscious by members of Force 17, Presidential Security. Radwan was arrested illegally by individuals from Force 17 on 23 June. According to the medical report, there were signs of torture on his body, especially on the skull, thigh, and arm. His beard and hair had been shaved. Representing his family, the PCHR appealed to the Attorney General on 25 June, calling for an investigation into the incident and inquiring about the reasons behind the illegal detention of Radwan and his injury and transfer to the ICU at Al-Shifa hospital. Investigations carried out by the PA proved that Radwan was tortured by individuals from Force 17 and on 3 July a special military court convened and sentenced three of the perpetrators to death, while sentencing two others to five years in prison. All were from Force 17. See below for more details.
- 5) Jihad Abdel Raziq Al-Majdalawi – 40, Nuseirat. On November 18, Al-Majdalawi was murdered by another prisoner inside Gaza Central Prison. He was repeatedly stabbed in the stomach with a pointed tool. Al-Majdalawi was held by the PA on suspicion of collaboration with the Israeli authorities.

***Press releases concerning the deaths in prisons***

- 1) On 6 February, the PCHR issued a press release expressing its deep concern over the repeated cases of death in Palestinian prisons as a result of torture. The press release was issued after the death of Yusef Al-Baba at Rafidia hospital in Nablus. The press release argued that these criminal practices were very insulting to the Palestinian people in their struggle and aspiration for freedom and justice. It stated that these crimes contradict the ethics and morals of the Palestinian people while insulting the PA and presenting a negative image of the Palestinian authority. The press release reiterated the PCHR's position that this phenomenon will not end unless the PA does the following:
  - Guarantees that one central body maintains control of detention orders. With the absence of such a body, arrests will remain disorganized and the possibility of anarchy will arise.
  - Ensures that the law applies to those who execute it and sees that they respect legal procedures for arrests, which include pressing charges, bringing the prisoner before a judge, and protecting the right to proper defense.
  - Creates clear internal regulations organizing the methods of interrogation. This will exempt the PA and place responsibility firmly on individuals involved in perpetrating such illegal activities. In the absence of such regulations, the PA bears responsibility.
  - Holds accountable all those involved in torture crimes inside Palestinian prisons, including not only the direct perpetrators but also their higher officers and everyone who violates Palestinian law, which prohibits torture.

- 2) On 26 June, the PCHR issued a press release regarding the detention and injury of Nasser Radwan by individuals from Force 17. According to the medical report, Radwan was transferred to the hospital on 23 June by individuals from Force 17. He was registered under the name "Prisoner 10." The clinical examination proved that Radwan had suffered severe injuries to the head, with possible internal bleeding. Radwan was unconscious with no movement in the limbs and dilated pupils. The report also proved signs of beatings on the arm and the thigh as well as signs that his arms and legs had been bound and that his beard and his hair had been forcefully shaved. The press release called on the PA to conduct an immediate investigation to uncover the entire affair. The press release also stated that there was substantial ground to believe that Radwan was subjected to torture after being illegally detained by individuals from Force 17. In contradiction with the story told to the hospital, that he fell down in his cell, or to his family, that he beat his head against the wall, the press release demanded that all perpetrators of the crime be brought to justice.
- 3) On 30 June, the PCHR issued a press release following the death of Nasser Radwan, "Prisoner 10." The press release demanded that the PA release results of the investigation into this dangerous incident and punish all perpetrators in order to ensure respect for the rule of law and human rights for Palestinians.
- 4) On 1 July 1997, the PCHR issued a press release following the death of Sami Abed Rabbo in suspicious circumstances on 30 June in Gaza Central Prison. Abed Rabbo was arrested on 15 February by the General Intelligence. His family informed the PCHR that they were informed of the death by a phone call made to the head of the family by prison officials claiming that he died as the result of a heart attack. The press release pointed out that Abed Rabbo had been arrested twice before on suspicions of collaboration with Israel. It was reported also that during a prior arrest by the Preventive Security he suffered a blood clot in his leg. The PCHR expressed its deep concern over the secrecy surrounding his death and burial. According to Palestinian law, the director of the prison is obligated to inform an investigating judge about cases of death and the judge has to carry out an investigation immediately. This never happened. The PCHR also appealed to the Attorney General, calling for an investigation into the affair in order to:
  - Ensure the observation of regulations concerning actions to be taken by the Prison Administration following the death of a person under suspicious circumstances.
  - Ensure an investigation into the circumstances that led to the death of Sami Abed Rabbo and to obtain reasons for concealing his death and not conducting an autopsy.

The Attorney General did not respond to the PCHR's appeal and no investigation results were released.

- 5) On 3 July, the PCHR issued a press release welcoming the trial and sentencing of those involved in torturing and killing Nasser Radwan. The press release reported that a special military court formed to consider this case held its first session on 1 July and on 3 July sentenced three of the perpetrators to death, two others to five years in prison, and a sixth to six months. All were from Force 17 Presidential Security. While the PCHR welcomed the holding accountable of the perpetrators, it expressed its position against the death penalty and appealed to President Arafat, who has sole jurisdiction to ratify decisions of the military court, in order to reduce the sentence to life in prison.

#### **PEOPLE KILLED BY INDIVIDUALS FROM THE PALESTINIAN SECURITY FORCES**

In 1997, individuals working with the Palestinian security forces killed five citizens in Gaza. In all but one case, the perpetrators were brought before the State Security Court. Following are the cases documented by the Field Work Unit:

- 1) Ismail Saleh Hassunah – 30, Deir El-Balah. On 4 March 1997, Ismail Hassunah, an officer in the Preventive Security Forces, left his home in Deir El-Balah. Accompanied by his colleague Rafat Abu Samak, Hassunah was driving to work when, fifty meters from his house, three masked men wearing military uniforms fired at the car. Hassunah was killed while his colleague was injured. The people involved in the incident were later arrested, among them a senior officer in Force 17, Presidential Security. All of the men were brought before the State Security Court, which sentenced one of them to death<sup>13</sup> and the others to prison terms ranging from three years to life.
- 2) Majid Jameel Al-Arabeed – 31, Sheik Radwan, Gaza. On 20 October 1997, a member of the National Security Forces fired at Al-Arabeed, who died as a result of his wounds at Al-Shifa hospital. Field workers from the PCHR reported that Al-Arabeed was driving his car accompanied by two female dancers and the personal bodyguard of Abdel Razaq Al-Majaida, head of the National Security Forces. The car was stopped at a National Security Force checkpoint to the west of Nuseirat. An argument ensued, at which time Al-Arabeed exited the car and hit an officer in the shoulder with his pistol. The officer then fired at Al-Arabeed, hitting him in the lower body. A military court later sentenced the accused to five years in prison and demoted him.
- 3) Sami Muhammad Hamdona – 27, Beach Camp, doctor. On 27 August 1997, a member of the Preventive Security fired at Hamdona following a personal fight. Hamdona was injured in the liver and died on 4 September. On 14 September, a

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<sup>13</sup> The sentence has not been implemented and the PCHR continues to express its rejection of such a penalty.

military court charged the man with murder in self-defense and sentenced him to 7 years in prison and dismissal from military service.

- 4) Musa Hmaid Dheir – 65, Rafah. On 21 September 1997, Dheir was injured in the upper body while sitting in the family gathering place to settle a family dispute. He died the next day at Al-Shifa hospital. The perpetrators were brought before a State Security Court, which sentenced one man, an officer in the Palestinian General Intelligence, to 15 years in prison. Two other men, also from the General Intelligence, were sentenced to five years.
- 5) Salim Muhammad Al-Shair – 22, Rafah. On 23 October 1997, Palestinian police fired at the vehicle in which Al-Shair was riding as it passed near a checkpoint in Rafah. Al-Shair’s cousin, who was driving, did not obey the orders to stop before crossing the checkpoint, which was set up due to civilian clashes in Rafah after the death of Musa Dheir. According to information obtained by the PCHR, the perpetrators were not arrested and a reconciliation committee was established to settle the issue.

***Press release regarding the unrest in Rafah***

On 26 October 1997, the PCHR issued a press release regretting the clashes taking place in Rafah that resulted in the deaths of Musa Dheir and Salim Al-Shair, the injury of many civilians, and the torching of three homes. The press release called on the PA to bring those involved in the events to court. The press release also addressed the danger resulting from the use of an official government vehicle by the killers of Musa Dheir.

**THE CLOSURE OF A NUMBER OF LICENSED CIVIL INSTITUTIONS IN THE GAZA STRIP**

During 1997, the PA closed more than 20 licensed Islamic institutions in the Gaza Strip known for their charitable social, cultural, religious, and sports activities. All but two of these offices were sealed on a single day, 25 September 1997. One of the targets was a newspaper with Islamic affiliations. Following is a table of the institutions closed and the date of their closure:

<b>Date</b>	<b>Institution</b>	<b>Place</b>	<b>Closed by</b>	<b>Comments</b>
4/9/1997	Headquarters of the Union of Islamic Youth Block	Gaza	General Intelligence and Police	Some of the office property was confiscated
4/9/1997	Al-Risala Newspaper	Gaza	Police	The newspaper was suspended until 4 December 1997
25/9/1997	The Islamic	Offices of	Police	Kindergartens related

	Society	Gaza, Jabalia, and Nuseirat		to branches in Gaza and Nuseirat were closed, denying tens of children their right to education
25/9/1997	Sport club of the Islamic Society	Gaza	Police	Sport activities were completely stopped
25/9/1997	The Islamic Complex (Mujamma Islami)	Gaza and Khan Younis	Police	Searching and confiscation of computer disks
25/9/1997	Society for Islamic Women Youth	Gaza and Khan Younis	Police	
25/9/1997	Holy Land Society	Gaza	Police	Food provision was stopped for needy families benefiting from the society
25/9/1997	Al-Salah Society	Gaza, Rafah, Deir El-Balah, Bureij, and Maghazi	Police	Food provision for needy families was stopped
25/9/1997	Al-Zakat Committee	Gaza, Rafah, Khan Younis	Police	
25/9/1997	Al-Aqsa Clinic	Khan Younis, Beni Suheila	Police	Free medical services were stopped for needy families and a number of doctors and nurses were stopped from their work
25/9/1997	Karate School	Gaza	Police	The school stopped its sport activities
25/9/1997	Science and Culture Center	Nuseirat	Police	

***Press releases regarding the closure of licensed institutions***

- 1) On 10 September 1997, the PCHR issued a press release regarding its appeal to the Attorney General against the closure of Al-Risala Newspaper in contradiction to the legal procedures. Lawyers from the PCHR, representing the Islamic Salvation Party (Hizb Al-Khalas), which runs this weekly licensed

newspaper, inquired about reasons for the closure of the paper and the lack of due process. The appeal also demanded the immediate reopening of the paper and the prosecution of all those who closed the paper. The PCHR expressed its deep concern over the illegal procedure undertaken to close the paper. Article 42 of the Palestinian Press Law states that the concerned court must review all breaches of the law and the Attorney General must investigate each case. The press release considered that in the absence of an order issued by the Attorney General, the closure of the paper was illegal and its continued closure threatened the freedom of expression.<sup>14</sup>

- 2) On 28 September 1997, the PCHR issued a press release regarding the closure of a number of civil society institutions in the Gaza Strip. These closures came as part of a series of measures taken by the PA against the Islamic movement. The press release warned of the dangerous consequences of these measures. The closures served neither democratic development nor the building of pluralism in Palestine. They threatened the rule of law and respect for human rights and undermined efforts to build an active civil society and a democratic environment. The press release noted that on 25 September, Palestinian security forces closed more than 20 offices of Islamic institutions and their branches without a warrant from the Attorney General. All of these institutions were licensed and well known for their charitable, social, cultural, health, religious, and sports goals. They provided vital services to thousands of needy families in Gaza. Measures against these institutions coincided with strong pressure exerted by the governments of the United States and Israel against the PA, demanding it to undermine the infrastructure of Islamic groups. The Israeli and American demands also urged the PA to conduct massive waves of arrests against Islamic activists and supporters.

### **THE CONTINUED EXISTENCE OF THE STATE SECURITY COURT**

Responding to pressure from Israel and the United States, in February 1995 President Arafat established the State Security Court to review cases involving sensitive security issues. Human rights organizations in Palestine have strongly condemned the formation of the Court and its continued functioning in contradiction to legal procedure and accepted standards of fair trial. Despite the fact that 1997 witnessed a decrease in the number of cases reviewed by the State Security Court, its continued existence threatens public freedoms and undermines the independence of the judiciary.

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<sup>14</sup> The paper was reopened on 4 December after three months of closure.



## DISREGARD FOR PALESTINIAN COURT DECISIONS

A number of times in 1997, governmental and non-governmental bodies breached the decisions of Palestinian courts. This situation poses a threat to the status of the judiciary and undermines the independence of the courts. No legal measures were taken against those who broke the decisions. The Legal Aid Unit of the PCHR documented these cases and intervened before concerned bodies to urge the implementation of court decisions. Following are a list of the decisions:

- 1) Palestinian High Court decision, Appeal #23/95: Anam Subhi Anshasi v. Minister of Justice and Head of the General Personnel Council. Anshasi demanded that she be allowed to return to her work in the Attorney General's office. Anshasi was fired from her work on 15 August 1989 by the Israeli authorities. With the establishment of the Palestinian Authority, she applied to return to her work but was refused. So she appealed to the court. In its session on 22 June 1995, the Court decided that Anshasi should be allowed to return to her work and cancelled her termination. Anshasi has still not been allowed to return to work and was later appointed to another post in the Ministry of Justice.
- 2) Palestinian High Court decision in Appeal #76/95: Manal Samih Farah v. Al-Ahli Arab Hospital. On 11 March 1996, the Court decided to cancel a decision to dismiss Farah from her work and demanded that she be allowed to resume her work. Until now, this decision has not been implemented.
- 3) Palestinian High Court decision in Appeal #75/95: Mansour Al-Jadba v. Head of the Gaza Municipal Council. On 9 April 1997, the Court decided that the municipality promotion law should be followed and that Al-Jadba should be promoted to the post of head of health administration in the municipality. This decision has still not been implemented.
- 4) Palestinian High Court decision in Appeal #143/95: Dr. Ahmad Dahalan v. Al-Azhar University. On 29 September 1996, the Court determined that the university should promote Dr. Dahalan, a lecturer at the university, in accordance with the promotion law. The university refused to respect this decision and Dr. Dahalan approached the PCHR. Following intervention from the PCHR, the university finally implemented the decision after 12 months of delay.
- 5) Palestinian High Court decision in Appeal #64/96: Ahmad Ibrahim Al-Samiri v. Palestinian Attorney General. Al-Samiri appealed for release from prison based on the lack of due process during his arrest. On 19 September 1996, the Court decided to release Al-Samiri, but he remains in prison.
- 6) Palestinian High Court decision in Appeal #59/97: Nine members of Kassab family v. Head of the Gaza Municipal Council. The Kassab family appealed to obtain an order to stop the demolition of their houses by the Gaza municipality.

On 4 May 1997, the Court issued an order to prevent the demolition of their houses, but the municipality refused to respect this decision and proceeded with the demolition. See below for more details.

- 7) Palestinian High Court decision in Appeal #52/97: Rajab Hassan Al-Baba v. Head of the Preventive Security, represented by the Palestinian Attorney General. Al-Baba appealed for release from prison based on the lack of due process in his detention. On 28 December 1997, the Court ordered the release of the defendant but the decision has not been implemented.

***Press releases concerning breaches of court decisions***

- 1) On 28 May 1997, the PCHR issued a press release concerning the Gaza Municipality's violation of a High Court of Justice decision to stop the demolition of a number of houses in Gaza. Nine citizens appealed to the High Court of Justice to obtain an order preventing the demolition of their houses by the Gaza Municipality. On 4 May, the Court decided to suspend the demolition order until a final decision could be taken by the Court. Despite the Court's decision, bulldozers from the Gaza Municipality, protected by Palestinian security forces, illegally demolished the houses. The press release considered the action of the municipality a breach of the Court's decision that could undermine the independence of the judiciary. It demanded that the PA hold accountable those responsible for this breach. The PCHR also demanded that the Gaza Municipality compensate for the damages of the illegal demolition of citizens' houses.
- 2) On 1 June 1997, the PCHR issued a press release denouncing a statement by the head of the Gaza Municipal Council, published in local newspapers. In this statement, the head of Council raised doubts about the credibility of the PCHR because of its previous press release. This press release emphasized that the details of the affair between the Gaza Municipality and the families were not the core interest of the PCHR. More important was the unilateral action taken by the Gaza Municipality in breach of a decision of the High Court. Regardless of who owned the disputed land, this issue should be decided by the Court. The PCHR reiterated its demand that the PA hold accountable all those who violated the decision of the Court.

**THE FAILURE OF THE PA TO HOLD ELECTIONS FOR LOCAL COUNCILS**

In early 1997, the Palestinian National Authority began preparing to hold local council elections. On 10 January 1997, President Arafat issued a decree forming the General Elections Committee headed by Dr. Saeb Erekat, Minister of Local Government. Even earlier, on 16 December 1996, the Palestinian Legislative Council promulgated the Local Council Election Law while continuing its discussion of the Local Councils Law. The PA promulgated the second law on 12 October 1997.

Despite the fact that no official date was announced for the local elections, statements by Palestinian officials asserted the intention of the PA to hold such elections during 1997, specifically during August 1997. During the first part of the year, it was not clear how such elections could be held prior to the promulgation of the Local Councils Law. The PLC conducted the first reading of this law in February and waited five months before conducting the second reading in July. During this period, the Palestinian Ministry of Local Government continued to appoint local councils to run the affairs of all municipalities of the West Bank and Gaza Strip.

While the Ministry asserted that such appointments were temporary until elections were held, it also began to release hints that, despite the fact that the Ministry team was ready to hold elections, it would be difficult to hold these elections prior to further redeployment of Israeli troops in the West Bank. In light of the political crisis and the suspension of the Palestinian-Israeli negotiations at the time, no one suspected that Israeli forces would re-deploy over the following two or three months. This meant that the PA had no intention of holding elections in August 1997 and that the appointments for local councils exceeded the definition of “temporary.” On 19 June 1997, Dr. Erekat stated that elections would be held three months after Israeli redeployment in the West Bank. As this redeployment did not take place during 1997, the year passed without local council elections and without any prospect that these elections would be held during 1998. The PCHR views the failure to hold local elections as a decline in the process of democratic transformation, especially after the success of the 1996 General Elections. Further steps should have been taken by the PA to sustain democratic development.

***Preparations for the elections and the establishment of a special election team***

During 1997, the PCHR considered the issue of local council elections as one of its top priorities for two vital reasons

- 1) Such elections were necessary to sustain the process of democratic transformation and the building of representative local and national institutions. No progress can be reported in democratic transformation as long as appointed persons continue to occupy representative public offices at the national or local level.
- 2) All political factions, including groups that opposed the Oslo accords and boycotted the General Elections of 1996, expressed their intention to participate in the local elections.

Beginning as early as June 1996, the PCHR had been involved in all discussions concerning the legal framework for the local councils. The PCHR issued a critical study on the draft laws for Local Councils and for Local Council Elections proposed by the PA to the Palestinian Legislative Council. The study analyzed the various relevant laws inherited by the Palestinian legal system since the Ottoman Empire as well as the proposed legislation. The study was sent to members of the PLC. In

addition, the PCHR organized workshops and meetings bringing together members of the PLC, representatives of the Executive Authority, and community leaders. Such activities attempted to affect the legislative process and encourage the promulgation of laws compatible with human rights and democratic principles.

As early as May 1997, the PCHR formed a special team to work on local council elections. The team functioned until early October 1997, when the PCHR decided to sustain only minimum activities after the PA postponed elections indefinitely.<sup>15</sup> The goals of the team were:

- To encourage the political participation of Palestinian men and women and to persuade them to use their right to vote in electing their local representatives.
- To raise public awareness about the election law and all phases of the electoral process.
- To provide legal aid and counseling for candidates and voters.
- To monitor the elections through well-trained monitors before and after the date of election, including the counting of votes and declaration of results.

#### ***Municipal elections bulletin***

In a pioneering effort, the PCHR issued a special bulletin covering local election affairs. The bulletin provided readers with up to date information about elections and opinions from various groups, including the PA, the PLC, political parties, and the community. Only two issues were published, however, due to the indefinite postponement of the election. The information included in the bulletin was gathered by the PCHR's special election team.<sup>16</sup>

#### ***A study documenting the PCHR's experience in monitoring General Elections***

In September 1997, the PCHR published a booklet entitled "Palestinian General Elections of 1996: Documenting the Local Monitoring Experience in the Gaza Strip." This booklet documents in particular the experience of the Palestinian Centre for Human Rights, in cooperation with a number of Palestinian non-governmental organizations in the Gaza Strip, in monitoring the Palestinian General Elections of 1996. The booklet pursued this experience from the crystallization of the idea of monitoring through efforts carried out by the PCHR to make that idea a reality. These efforts included coordination with NGOs, training of the monitoring team, the monitoring itself, and reports issued by the PCHR on the monitoring. It was hoped that this experience would be helpful to the PCHR and would be used to enhance the monitoring of local elections, which were postponed indefinitely.

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<sup>15</sup> The team began with four staff members (a coordinator, a lawyer, and two field workers). The PCHR planned to appoint 80-100 monitors to work with the team during the week before the date of election. The project was suspended, however, after the PA's decision to postpone elections.

<sup>16</sup> The first issue of the *Municipal Election Bulletin* was published on 12 May 1997 and the second issue was published on 9 July 1997.

## **RELATIONS WITH THE LOCAL PALESTINIAN COMMUNITY**

A crucial element of the PCHR strategy involves strengthening its relations with the local community and building bridges and channels of cooperation. Keeping in mind that this strategy will serve its overall goals, the PCHR dedicates its energy to:

- 1) Strengthening relations with the local community, expanding the number of people who benefit from the free services provided by the PCHR, and contributing to public awareness through community education campaigns.
- 2) Strengthening relations with Palestinian NGOs and civil society and maintaining an active role in related social activities, including conferences, workshops, and meetings.
- 3) Strengthening the positive and constructive dialogue with the Palestinian National Authority and building formal and non-formal channels of communication with Palestinian legislative, judicial, and executive institutions.
- 4) Organizing conferences, meetings, and workshops about topics relating to the work of the PCHR.
- 5) Participating in conferences, meetings, and workshops on human rights held in the Occupied Palestinian Territories.

Despite the challenges, the PCHR achieved quality results in these areas during 1997.

### **STRENGTHENING RELATIONS WITH THE LOCAL COMMUNITY, EXPANDING THE LEVEL OF FREE SERVICES, AND CONTRIBUTING TO PUBLIC AWARENESS**

Offering its free services to all Gazans, the PCHR works towards building strong relations with the Palestinian public. In this regard, the work of the PCHR has been concentrated on legal aid and counseling for victims of human rights violations as well as a public awareness campaign carried out through the distribution of publications and press releases. During 1997, the PCHR continued these activities, with increased attention focused on civil education and training regarding human rights and democracy for specific sectors of the population. The PCHR considers that public awareness of the principles of democracy and the rights guaranteed by local and international law are fundamental safeguards for the protection of human rights and the development of democracy in Palestine.

### ***Legal Aid and Counseling***

During 1997, the PCHR Legal Aid Unit provided aid and counseling to hundreds of citizens who approached the PCHR. Many of these cases required legal counseling or intervention before concerned Israeli authorities regarding: Palestinian prisoners in Israeli jails, the freedom of movement, and the confiscation of land by soldiers and settlers. Many other cases required legal counseling and intervention before concerned Palestinian authorities regarding: prisoners in Palestinian jails, damages resulting from the misuse of power or breaches of the law, and complaints against the Ministry of Health.

### ***Public awareness campaigns***

In 1997, the PCHR devoted a great deal of time to the dissemination of information about human rights and democratic culture. Realizing that knowledge of rights is the best safeguard for protecting them, the PCHR works toward the evolution of a Palestinian culture that includes concepts of human rights and democratic principles. This program began modestly with hopes that it could be evaluated and further developed in the future. During 1997, the PCHR organized and held one training course for a select group of youth as well as three workshops with youth groups in different areas of the Gaza Strip. In addition, the PCHR team was involved in lectures and workshops organized by other Palestinian organizations working in the field. The activities of the PCHR were as follows:

- 1) In April 1997, in coordination with the United Nations Development Programme-United Nations Volunteers (UNDP-UNV), the PCHR conducted a training course in human rights. In the first phase, the course trained 17 Palestinian male and female youth volunteering through the UNDP at Gaza community centers and clubs. The course concentrated on disseminating the principles of human rights and democracy. The second phase of the project included the organization of public meetings held at community centers in order to educate youth groups about human rights and democracy.
- 2) During the second half of 1997, Isam Younis, head of the Social and Economic Rights Unit, and Hamdi Shaqqura, head of the Democratic Development Unit, provided a series of lectures on human rights and democracy as part of a training program for trade unionists organized by the Center for Democracy and Workers Rights.
- 3) During November and December 1997, Hamdi Shaqqura participated in a series of workshops on democracy as part of a program called "Pluralism in Action" organized by the Palestinian Centre for the Dissemination of Democracy and Community Development – PANORAMA. This series targeted youth throughout the Gaza Strip.

## STRENGTHENING RELATIONS WITH NGOS AND CIVIL SOCIETY

During the years of direct occupation, Palestinian NGOs played a crucial role in directing Palestinian affairs. During the current interim phase, these NGOs have a unique and special role to play in serving the Palestinian people and building civil society in Palestine. Bearing in mind that NGOs and civil society are basic requirements for the development of democracy, in which social pluralism is a basic component, the PCHR devotes its efforts towards empowering NGOs and strengthening coordination and cooperation between them. During 1997, the PCHR strengthened its relations with NGOs, helped to build channels and bridges between them, and contributed to joint projects and activities with them.

### ***The role of the PCHR within the Palestinian network of NGOs (PNGO)***

The Palestinian network of NGOs (PNGO) is an independent, non-governmental body with the membership of 38 leading organizations in a variety of fields in the Gaza Strip. Established in 1994, PNGO does not define itself as a representative body, but as a body to facilitate coordination between the members. Since the very beginning, the PCHR has played a role in establishing and building PNGO in order to realize the vital role of coordination between members bodies. The PCHR was an elected member in the first and second administrative committees and, as such, participated with others in the struggle to sustain the network and preserve its role. The PCHR participated in forming the programs and policies of the network and representing it locally and internationally. The PCHR also served as a legal counsel for the network. Many PNGO meetings were held at the PCHR, especially those between the network and international delegations.

On 23 June 1997, the PCHR hosted a special meeting to discuss the narrative and financial reports of PNGO and to elect a new administrative board. The narrative report discussed attempts to hold elections for PNGO and the interference of the Palestinian Ministry of Interior. The Ministry of Interior required that PNGO obtain a license from the PA and a permit to hold elections. In a letter sent to the Ministry, PNGO emphasized that all member organizations are legal, licensed organizations and that PNGO is not a new representative organization but rather a coordinating body that does not require a license. The Palestinian Ministry of Interior had previously refused to allow elections for the coordinating body of PNGO, which had been scheduled for 27 December. Accompanied by a police officer, a representative from the Ministry arrived at the voting site on 27 December and informed the members of the network that they could not hold elections. Accordingly, an urgent meeting was organized to renew the mandate of the old coordinating committee. Extended for six-months, the new mandate lasted until 23 June 1997, when new elections were held.

### ***The role of the PCHR in the Palestinian Forum for Education for Development***

The PCHR is a founding member of the Palestinian Forum for Education for Development, which was registered in Gaza in 1997. The Forum consists of partnership between a number of Palestinian and international NGOs, as well as the Palestinian Ministry of Youth and Sports. The Forum is involved in providing continuous education for the Palestinian community. One of its early achievements was the foundation of Canaan Institute of New Pedagogy, which provides professional training for community activists. The PCHR views this joint venture as a promising step and attempts to contribute to Canaan through providing human rights training. The founding members of the Forum are: YMCA Gaza, the Center for Culture and Free Thoughts-Khan Younis, Women's Affairs Centre-Gaza, PCHR, Ministry of Youth and Sports, and the Children of World Refugees-France. Save the Children and UNICEF maintain observer status.

### ***The role of the PCHR in the Palestinian Model Parliament on Women and Legislation***

This project was initiated by the Women's Centre for Legal Aid and Counseling, Jerusalem. The objectives of the project include, inter alia:

- Helping the women's movement identify its priorities in terms of legislative development.
- Influencing public authorities to be more gender sensitive in their various policy matters.

The PCHR was a member of the preparatory committee formed to supervise the implementation of the project in late 1996. The work of the preparatory committee continued throughout 1997.

### ***The role of the PCHR in the National Committee for the Release of Prisoners (Aseer)***

Aseer is a coalition of political forces, human rights groups, and other NGOs supporting Palestinian prisoners in Israeli jails and urging for their release. The Committee was formed in early 1997 through an initiative of the PCHR and a number of political forces, community activists, and members of the PLC. Meetings of the Committee were held at PCHR throughout 1997. Since its foundation, the Committee has been involved in various activities to support prisoners. The Committee organized sit-ins in solidarity with prisoners and regularly sent lawyers to visit prisoners. On 24 March 1997, the Committee organized a notable solidarity sit-in at the offices of the International Committee of the Red Cross in Gaza. After the sit-in, participants marched through the main streets of Gaza City to draw public and official attention to their cause. On 19 April 1997, in commemoration of Palestinian Prisoners' Day on 17 April, the Committee organized a festival at the YMCA. In solidarity with the prisoners, the festival participants demanded their release. A memorandum was sent to all international representative offices in the PA areas



urging the international community to exert pressure on the Government of Israel to fulfill its international obligations.

***Joint study concerning the right to housing***

In April 1997, the PCHR and Al-Haq, Law in the Service of Man, published a joint study titled “Housing in the Gaza Strip.” It was the first study to tackle and analyze housing conditions in the Gaza Strip from the perspective of the right to housing. The study attempted to expose economic, social, and cultural rights and to give them the same attention and interest given to other rights, particularly political and civil rights.

The study included an analysis of the housing conditions in Gaza, exposing Israeli policies and measures taken throughout the years of occupation in clear violation of the right to housing. The study also exposed the Israeli policies of land confiscation, settlement construction, restrictions on the use of land, and controls of city planning and building permits. Other measures taken by the Israeli occupation forces, such as house demolition, expulsion, and registration of the population were also analyzed.

Further, the study exposed the Interim Agreement signed between the PLO and the Government of Israel and analyzed the implications of its transfer of control over housing to the PA. The study examined the problems that have arisen since the establishment of the PA with regard to the right to housing, such as the construction of multiple story towers and the laws organizing such construction; the building of the Rafah international airport after the consolidation of lands by the government; and the transfer of Palestinian refugees from the Egyptian part of Canada camp, near Rafah, to the Palestinian part.

A special section of the study was devoted to discussing international standards relevant to the right to housing and the duties born by states and governments in protecting and respecting this right. The study concentrated on legal duties and obligations of Israel as an occupying power, the PA as a national authority, and the international community, particularly the donor countries. The study provided a number of recommendations relevant to housing to be implemented by Palestinian policy makers, including, inter alia:

- To review and amend current national and local legislation in the Gaza Strip and West Bank relevant to housing rights in order to incorporate international standards.
- To undertake efforts to facilitate housing opportunities for all. In this context, the PA should take appropriate and immediate measures to ensure that the financial cost of housing should not reach a level that jeopardizes the enjoyment of other rights and basic needs.
- To maximize the exploitation of its resources in order to fulfill the duties resulting from the right to housing, like any other government. This means maximizing the use and allocation of these resources to support the right to

housing and increasing these efforts gradually with the goal of realizing this right for each individual.

***Joint press release issued by human rights organizations following the visit to the region by US Secretary of State Madeline Albright***

On 8 September 1997, the PCHR, the Palestinian Independent Commission for Citizen's Rights (PICCR), the Palestinian Society for Protection of Human Rights and the Environment (LAW), and the Jerusalem Centre for Legal Aid issued a joint press release following the visit made to the region by US Secretary of State Madeline Albright. In this press release, the organizations expressed their deep concern over the deterioration of the situation in the region. The organizations warned of dangerous consequences that might result from the punitive measures taken by the governments of the United States and Israel to coerce the PA to undermine the rule of law and the independence of the judiciary and to violate standards of human rights. Both the US and Israel had pressured the PA to carry out massive waves of illegal political arrests against members and supporters of the Islamic opposition and to destroy civil society organizations with Islamic affiliations. The Israeli government had also tightened its imposed closure on the West Bank and Gaza in the aftermath of suicide operations in West Jerusalem, for which no organization claimed responsibility. The Government of the United States uncritically adopted the Israeli position and required that the PA take illegal measures against the Islamic opposition.

***Press release issued by PNGO demanding protection for human rights in Palestine***

On 29 September, member organizations of PNGO issued a press release expressing their concern over a series of illegal measures carried out by the Palestinian Authority. These measures began with the closure of Al-Risala newspaper and the Youth Union of the Islamic Block and continued with the closure of a number of Islamic organizations that provide services to thousands of citizens. In addition, the measures included massive waves of illegal arrests against supporters and activists of Islamic movements in the Gaza Strip. The press release considered such actions illegal and in contradiction to standards of human rights. The press release added that such measures reflected negatively on the development of democratic civil society in Palestine and demanded that they be cancelled. The press release also urged the Palestinian Attorney General to exercise his powers in accordance with Palestinian law.

**THE PROMOTION OF POSITIVE AND CONSTRUCTIVE DIALOGUE WITH THE PALESTINIAN NATIONAL AUTHORITY**

The PCHR seeks to promote opportunities for constructive and positive dialogue with the Palestinian Authority by building formal and non-formal connections with the institutions of the legislative, executive, and judicial authorities. A fundamental goal

of the PCHR's strategy and philosophy is to contribute to the fulfillment of the Palestinian national project of an independent state with a modern democratic political system that reflects human rights. In this respect, the PCHR functions in all aspects relevant to the protection of human rights and the promotion of the rule of law.

During 1997, the PCHR dedicated itself to developing its relationship with members of the Palestinian Legislative Council. The PCHR believes that the work towards democratization in Palestine depends to a great extent on the work of elected representatives of the Palestinian people. During 1997, all council members received publications of the PCHR, including reports, updates, press releases, and comments on draft laws. Members of PLC were also invited by the PCHR to participate in workshops and meetings attended by community activists. In these meetings, the PCHR is proud to report that fruitful discussions have taken place. The PCHR also intervenes on behalf of citizens before Palestinian concerned bodies, including the Attorney General, Ministers, officials in the Executive Authority, and the courts.

#### **CONFERENCES, WORKSHOPS, AND MEETINGS RELATED TO HUMAN RIGHTS AND DEMOCRACY ORGANIZED BY THE PCHR**

During 1997, the PCHR organized an international conference on human rights and final status issues, as well as numerous workshops and meetings on human rights and democracy. Academics, human rights activists, and representatives of civil society, including women's organizations, political forces, members of the PLC, judges, lawyers, and officials of the Palestinian Executive Authority, participated in these events. Such meetings contribute to the creation of an atmosphere of dialogue and the exchange of views. They provide an opportunity for face to face discussions between decision makers (officials from the Executive, PLC members, and judges) and civil society leaders, in order to improve the human rights situation and advance the development of democracy in Palestine. Following are the most important meetings held at PCHR in 1997:

##### ***Study day to evaluate the work of the Palestinian Legislative Council***

On 8 March 1997, the PCHR organized a study day to evaluate the work of the Palestinian Legislative Council after its first anniversary. In the first of two sessions, members and heads of committees in the PLC gave presentations. In the second session, speakers represented national and Islamic political groups, particularly those groups that boycotted the general elections of 1996.

##### ***Symposium on European responsibility for human rights violations in Palestine***

On 12 April 1997, the PCHR organized a symposium on European responsibility for violations of human rights in Palestine. The speakers included Mr. Per Stadig, lawyer and head of the Middle East Department at the International Commission of Jurists,

Sweden; and Dr. Agneta Johannsen, member of the Steering Committee of the ICJ and professor of international law at Upsala University, Sweden. Participants in the symposium included a number of members of the Palestinian Legislative Council, human rights activists, lawyers, and academics. Among the ideas raised during the symposium was the possibility of European intervention to exert economic pressure on Israel in order to oblige it to stop violating the human rights of the Palestinians. This idea especially pertained to the continued imposition of closure, which has created grave losses far outweighing international donations to the Palestinian people.

#### ***Symposium about the human rights conditions in the Arab World***

On 13 July 1997, the PCHR organized a symposium about the human rights movement in the Arab world. The main speaker was Dr. Amin Makki Medani, the first technical advisor at the office of the UN High Commissioner for Human Rights in the Occupied Palestinian Territories. The symposium also included a number of members of the PLC, human rights activists, and representatives of NGOs in Gaza.

#### ***Workshop to discuss the program of the Women's Unit at the PCHR***

On 15 June 1997, the PCHR organized a meeting for representatives of women's institutions and organizations in Gaza to discuss with them the program for the newly established PCHR Women's Unit.<sup>17</sup> The aim of the meeting was to develop recommendations that might help the unit meet women's needs in Gaza. Two basic recommendations emerged and have guided the path of the unit:

- That the new unit should concentrate on providing legal aid and counseling for women and women's organizations. A special emphasis was placed on legal aid for women victims of the Personal Status Law (Shari'a legal aid), with a particular recommendation for intervention in local Shari'a courts. This has become a vital part of the unit's work.
- That the new unit should prepare studies and research about the conditions of women and publish booklets about legal awareness for women.

#### ***Meeting for Women's Organizations to discuss the Palestinian Draft Basic Law***

On 23 October 1997, a special meeting was organized by the PCHR for representatives of the women's movement to discuss the Palestinian Draft Basic Law after it passed the third reading in the PLC. The meeting, held at the PCHR, aimed at crystallizing a women's analysis of the draft law to be exposed in a second, broader workshop that the PCHR was preparing. A number of women's organizations, activists, representatives of women's departments in Palestinian ministries, and female representatives to the PLC attended the meeting. A special committee was elected to formulate a statement based on the comments of the different speakers. Over the following week, the members of this committee met at the PCHR, prepared

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<sup>17</sup> For more details about the Women's Unit, established on 1 May 1997, see page 70.

the statement, and elected a representative to present it at the upcoming meeting. Indirectly, the workshop contributed to promoting dialogue, building relationships, and encouraging joint action between women's organizations. The meeting also reflected a model upon which should be built the provision of service for women, particularly in terms of influencing the legislative process.

***Meeting to discuss the most recent developments regarding the Draft Basic Law***

On 2 November 1997, a workshop was held at PCHR to discuss the most recent developments regarding the Draft Basic Law for the Interim period. A month earlier, the PLC had passed the Draft Basic Law in its third reading. Participants to the workshop represented both national and Islamic political forces as well as NGOs and academics.

***International Conference, "Human Rights and the Final Status Issues"***

The PCHR crowned its activities for 1997 by convening the international conference, "Human Rights and the Final Status Issues" from 12-15 December. Over three days of deliberations, thirty-four international and local experts presented and discussed specialized research papers on topics related to the final status issues. These issues include the right to self determination for Palestinians; the Palestinian refugees and their right of return; the question of Jerusalem; Israeli settlements in the Occupied Palestinian Territories; water, environment, and cultural rights; mutual security; economic relations and prospects for economic development in Palestine; and other issues, such as international mechanisms to stop human rights violations by Israel.

The significance of the conference was that it provided an opportunity for human rights experts from over 20 countries to consider legal and human rights aspects of the final status negotiations. The conference welcomed the Palestinian Authority's support for this initiative as an encouraging sign of the Authority's commitment to human rights and the rule of law. Further, the conference focused on the inalienable rights of the Palestinian people in the context of the hostile and provocative policies of the Government of Israel, which are based on the denial of these rights and the defiance of international conventions.

The conference provided an opportunity for international and local experts to assist the Palestinians during the final status negotiations through their expertise and insight. At the end of the Conference, on 15 December, the participants released the following conclusions:

First, the conference strongly condemned Israel's failure to honor its commitments under international law and the Oslo agreement. In particular, the conference cited continuing settlement activities, ethnic cleansing in Jerusalem, restrictions on movement between the West Bank and Gaza Strip, and the policy of closure as especially egregious examples of Israel's failure to observe international law.

Second, the conference stressed the significance of international law as the proper framework for achieving a just, fair and durable peace. No mutual security can be achieved without the fulfillment of the inalienable rights of the Palestinian people through self-determination and statehood, with Jerusalem as their capital.

Third, the conference observed that under international law the Palestinian people in all of the Occupied Palestinian Territories, including East Jerusalem, remain under the protection of the 1949 Fourth Geneva Convention. The Conference called upon the high contracting parties to the Fourth Geneva Convention to take positive steps, including the convening of a meeting of experts, to ensure strict observance of that convention in the Occupied Palestinian Territories.

Fourth, the Conference recommended that Palestine should avail itself of appropriate opportunities to involve the International Court of Justice in order to receive clarification of its legal status in general and the recognition of its statehood in particular. The conference noted in this regard that 137 states have already recognized Palestine, which gives Palestine sufficient basis to apply for UN membership.

Fifth, the Conference called for an immediate cessation of all Israeli settlement activity. The participants of the conference underlined that the continuing settlement policy of the Israeli government, including settlements in East Jerusalem, violates international law and has no legal impact whatsoever on the outcome of the final status negotiations.

Finally, the conference called upon the European Union to avail itself of its bilateral treaty instruments in order to prevent Israel from obstructing Palestinian trade with the European Union. The conference noted that implementing Israeli privileges under the EU-Israel agreement is, in the current context of continuing Israeli human rights violations against the Palestinian people, incompatible with the human rights provisions of the agreement.

The PCHR is currently involved in editing and publishing the proceedings of the conference as well as advocating the papers and recommendations, especially among politicians and decision makers, particularly those involved in the final status negotiations - locally, regionally, and internationally.

#### **PARTICIPATION IN ACTIVITIES CONCERNING HUMAN RIGHTS AND DEMOCRACY HELD IN THE OCCUPIED PALESTINIAN TERRITORIES**

- 1) Hamdi Shaqqura, coordinator of the Democratic Development Unit, participated in the activities of the Palestinian-European Meetings held at Al-Najah University, Nablus, from 10-13 May 1997. Shaqqura, who was denied access to the West Bank by the Israeli authorities, sent the conference his

presentation on the role of Palestinian NGOs in the process of democratic transformation.

- 2) From 13-15 October 1997, the PCHR participated in the activities of the international conference “Health and Human Rights,” organized by the Gaza Community Mental Health Programme. Raji Sourani, Director of the PCHR, was a member of the Advisory Committee, which included many prominent official and non-official figures. Sourani also presented a paper, entitled “Human Rights in Palestine,” analyzing the human rights situation in the West Bank and Gaza Strip. Isam Younis, coordinator of the Social and Economic Rights Unit, presented a paper on “Social and Economic Rights in the West Bank and Gaza Strip.” The paper cited the parties responsible for the fulfillment of economic and social rights in Palestine, including the Israeli government, the Palestinian Authority, and the donor countries. The paper emphasized that the greatest responsibility for human rights violations in the Occupied Palestinian Territories is born by Israel, particularly concerning social and cultural rights.
- 3) From 19-21 October 1997, the PCHR participated, along with experts on education and human rights, in an Amnesty International workshop about the incorporation of human rights principles into the Palestinian curriculum. Raji Sourani, director of the PCHR, delivered a speech in the opening ceremonies asserting the importance of human rights awareness and its incorporation into the Palestinian curriculum. He presented an overview of the human rights situation in the West Bank and Gaza, citing the essential obstacles to enjoyment of human rights by Palestinians. Sourani also concentrated on the role of non-governmental organizations in raising human rights awareness. Isam Younis, coordinator of the Social and Economic Rights Unit, chaired a session dedicated to developing a general framework for a model curriculum concerning human rights in primary and secondary education.
- 4) Reem Abu Dakka, lawyer at the Women’s Unit, participated in a series of workshops organized in December 1997 by the Society for the Protection of the Family. Held throughout the Gaza Strip, these workshops were dedicated to discussing the results of research conducted by the Society on legal and social obstacles to sexual health in Palestine. Rheem Abu Dakka addressed the legal aspects of the discussions in three workshops held in Jabalia, Khan Younis and Gaza from 18-23 December 1997.

## **REGIONAL AND INTERNATIONAL ACTIVITIES**

Throughout 1997, the PCHR intensified its regional and international activities in an effort to assert respect for human rights in the Occupied Palestinian Territories and to contribute to the fulfillment of the Palestinian national goal of self-determination, an end to the Israeli occupation, and the building of democratic institutions. The activities of the PCHR in this regard included interventions before UN and international bodies, working visits to a number of countries, meetings with politicians and decision makers, and coordination with international NGOs in order to acquaint them with the human rights situation in the Occupied Palestinian Territories.

During 1997, the PCHR also received tens of international formal and informal delegations and provided them with a precise explanation of the human rights situation in Palestine. All PCHR press releases were also translated into English and distributed through a large international network by e-mail, fax, and post. Thousands of international NGOs, including human rights organizations, public figures, and politicians received information from the PCHR.

### **INTERVENTION BEFORE UNITED NATIONS AND INTERNATIONAL BODIES**

Since its foundation, the PCHR has exploited available human rights mechanisms, particularly UN specialized bodies, in order to explain the human rights situation in the Occupied Palestinian Territories and end the violation of these rights. The PCHR annually presents written and oral statements before these bodies. Such statements are based on information documented by the PCHR and provide important material to members of these bodies, acquainting them with the human rights situation from a professional point of view. In its interventions, the PCHR demands proper measures to stop the human rights violations in the Occupied Palestinian Territories. 1997 was an active year in terms of international interventions by the PCHR. Following are the most important activities:

#### ***UN High Commission for Human Rights***

In March 1997, the PCHR participated in the annual meeting of the UN High Commission for Human Rights in Geneva. The UN accredited a written intervention prepared by the PCHR: E/CN.4/1997/NGO/18. The intervention concentrated on the Israeli policy of closure, which at that time had been imposed on the West Bank and Gaza Strip for more than one year. The intervention also addressed the destructive implications and effects of the closure in terms of human rights for Palestinians, especially restrictions on the freedom of movement on patients, students, and workers.



The written statement also analyzed the effects of the closure on the economic situation, due to restrictive measures imposed on Palestinian imports and exports.

The paper then addressed the living conditions of Palestinian prisoners in Israel and Israeli breaches of international law and obligations under the interim peace accords signed between Israel and the PLO. Another section was devoted to the Israeli escalation of settlement activities and the confiscation of Palestinian land, particularly those activities on Jabal Abu Ghneim near Jerusalem. The paper further analyzed Israeli policies in Jerusalem that aim to cleanse the city of its Palestinian population through the confiscation of land and ID cards. The PCHR asserted that international law should provide the basis for the peace process and that human rights must be protected in the West Bank and Gaza Strip.

At the same time, the PCHR presented an oral statement before members of the Commission, concentrating on the Israeli policy of legalized torture against Palestinian detainees. The statement recalled that Israel is the only country worldwide that has legalized torture, in a severe breach of its obligations under the UN Convention against Torture and all forms of Cruel, Inhuman, and Degrading Treatment and Punishment. The oral statement further exposed the September 1996 events that led to the death of 64 Palestinians after Israeli military forces fired at demonstrators protesting Israeli settlement policies. The PCHR urged the international community to support the Palestinian Authority and to encourage it to build civil society institutions, promote the rule of law, and ensure the independence of the judiciary. At the same time, the PCHR demanded that international law should remain the basis for any peace agreements between Israel and the Palestinians and that respect for Palestinian human rights is the foundation upon which to build peace and stability in the region.

### *UN Committee against Torture*

In April 1997, the PCHR submitted a written intervention before the UN Committee against Torture. In accordance with Article 19 of the Convention against Torture and other forms of Cruel, Inhuman and Degrading Treatment and Punishment, to which Israel is a contracting party, the PCHR provided the Committee with documentation and analysis of Israeli breaches of the Convention. The paper emphasized that Israel is the only country in the world that has legalized the use of torture against detainees. The paper noted that the Israeli High Court of Justice, the highest judicial authority in Israel, provided legal cover for torture by approving the use of torture by Israeli interrogators, in a grave breach of Article 1 of the Convention signed in 1984.

The statement also unveiled methods of torture applied by Israeli interrogators against Palestinian detainees in defiance of the Convention. The statement recommended that members of the Committee hold an investigation on the ground to clearly establish the torture activities taking place in Israeli prisons. The statement also recommended canceling all Israeli laws and measures that contradict the articles of international

agreements and recommended the need to compensate victims of torture and their families and to bring the perpetrators of torture to justice.

***UN Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the Occupied Territories***

Every year, the Committee invites members of the PCHR to testify about Israeli practices affecting the human rights of the Palestinian people. Since the foundation of the Committee in 1968, the Government of Israel has refused to grant access to its members to visit the Occupied Palestinian Territories. Therefore, meetings are held outside of the Occupied Palestinian Territories, usually in Jordan or Egypt. On 1 June 1997, Hamdi Shaqqura, coordinator of the Democratic Development Unit, and Eyad El-Alami, coordinator of the Legal Aid Unit, testified before the Committee in Cairo. Their testimonies focussed on the conditions of Palestinian prisoners in Israeli jails and the oppressive measures used against them by the Israeli authorities, including excessive force, denial of family visits, and deprivation of legal representation. The testimonies also focussed on the use of torture against Palestinian prisoners in Israel, which has led to the death of many prisoners. The PCHR reminded the Committee that torture is a systematic and official policy legalized by the Israeli High Court of Justice.

The testimonies also exposed the Israeli use of collective punishment against the Palestinian people, in particular the imposition of closure and restrictions on the movement of people and goods between the Occupied Palestinian Territories and the outside world. Finally, the PCHR delegation asserted the need for international intervention to exert political and economic pressure on Israel. While welcoming international donations to the Palestinian people, the PCHR delegates referred to the fact that over the last four years, international donations have compensated for only one-third of the economic losses suffered by Palestinians as a result of closure.

***Letter to US Secretary of State Madeline Albright***

On 8 September 1997, in the wake of her visit to the region, the PCHR and a number of human rights organizations sent a joint letter to US Secretary of State Madeline Albright expressing their deep concern over the deterioration of the human rights situation in the Occupied Palestinian Territories. The letter warned of the dangerous consequences that may result from the measures taken by the PA to undermine the rule of law and the independence of the judiciary and to violate standards of human rights as a result of pressure from the governments of the US and Israel. These governments had demanded that the PA carry out massive waves of illegal arrests against Islamic opposition groups and destroy the civil institutions affiliated with these groups. The letter pointed out the continued Israeli policy of closure as well as punitive measures against the PA, including suspending the transfer of tax revenues. The signatories rejected the pressure exerted against the Palestinian people and the PA. They demanded that the international community, particularly the USA, should

intervene to lift the closure, put an end to the collective punishment of Palestinians, and stop the policy of land confiscation and house demolition.

***Press release regarding the position taken by the US administration towards recent developments in the region***

On 18 June 1997, the PCHR issued a press release condemning the position taken by both the US administration and the US Congress towards recent developments in the region. The press release noted that the US House of Representatives decided on 10 June to recognize Jerusalem as the sole capital of the State of Israel and allocated \$1 million to move the US Embassy from Tel Aviv to Jerusalem. These measures defied international law and the will of the international community, expressed through the UN, which does not recognize the annexation of Jerusalem and considers all Israeli measures taken in Jerusalem as null and void.

**PARTICIPATION IN CONFERENCES, WORKSHOPS, LECTURES, AND WORK MEETINGS ABROAD**

- 1) From 13-16 March 1997, the PCHR participated in a workshop entitled “Strategies of the Palestinian Human Rights Movement” organized by the Cairo Center for Human Rights Studies. Held in Cairo, the workshop discussed challenges faced by Palestinian human rights groups since the signing of the Oslo accords.
- 2) From 20-23 April 1997, Raji Sourani, Director of the PCHR, visited the Netherlands and met with the Deputy Foreign Minister and officials from the Human Rights desk of the Netherlands Ministry of Foreign Affairs. Sourani also gave a presentation about the human rights situation in the Occupied Palestinian Territories at Tilburg University.
- 3) From 25-27 April 1997, the PCHR participated in an international workshop on “Human Rights Defenders.” The workshop was held at Lund University in Sweden and organized by both the International Federation for Human Rights and the Raul Wallenberg Institute for Human Rights at Lund University.
- 4) From 4-10 May 1997, the PCHR participated in a workshop held in Cairo and organized by the International Federation for Human Rights, the European Commission, and the Foreign Ministry of Egypt. The workshop was devoted to discussing economic sanctions and human rights.
- 5) From 22 June-1 July 1997, Raji Sourani, Director of the PCHR, visited Great Britain at the invitation of the Foreign Minister. During his visit to the United Kingdom, Sourani met with the Minister of Foreign Affairs, Derek Thatchet, to discuss the deterioration of the human rights situation since the signing of the

treaties between the PLO and Israel. Sourani urged for a more active British and European role to stop Israeli violations of Palestinian human rights and its breaches of the Israeli-European Agreement. Sourani also visited Belfast, where he met with British Government representatives, prison officials, and human rights organizations. He also gave a presentation before the Palestinian-British Friendship Committee and held several meetings, especially with Pierre Sannet, Secretary General of Amnesty International, Emma Playfair, Executive Director of Inter-Rights, based in Britain, and several members of Parliament.

- 6) From 29-31 July 1997, the PCHR participated in the regional Arab workshops about strategies to strengthen the Arab human rights movement organized in Cairo by the Cairo Center for Human Rights Studies. The workshop brought together a number of Arab human rights activists to explore strategies to strengthen Arab human rights organizations in order to meet the different challenges and obstacles faced by these organizations. The participants asserted the need to work within the framework of internationally accepted human rights standards. The workshop condemned the exploitation of human rights concepts to serve the political interests of some countries and criticized reports issued by some governments, especially the annual report of the US State Department, which has always been subjected to political considerations and US interests.
- 7) From 4-9 October 1997, Eliana Salto participated in a seminar titled “Women, Democracy, and Development” organized by the International Commission of Women, formed in January 1995 at the conference of the International Federation for Human Rights. Representatives of members of the Commission, including the PCHR attended the seminar held in Brussels, Belgium. The participants issued a declaration reaffirming that equality is a fundamental, universal, inalienable human right. The declaration also reaffirmed that respect for the right to equality, the overlapping of civil, political, economic, and social rights, and women’s participation in the decision making process, are all safeguards for real democracy and sustainable development.
- 8) From 31 October–2 November 1997, Raji Sourani, Director of the PCHR, participated in a workshop held in Cairo on “Democracy, Human Rights, and Citizenship.” Organized by the Middle East Council of Churches, in cooperation with the Arab Team for Islamic-Christian Dialogue, the workshop aimed at discussing topics related to human rights in religion; pluralism and unity of society; and citizenship and democracy.

#### **MEETINGS IN GAZA WITH POLITICIANS, DIPLOMATS, REPRESENTATIVES OF THE UN, AND OTHER INTERNATIONAL ORGANIZATIONS**

During 1997, the PCHR received tens of international delegates, including politicians, diplomats, representatives of the UN, and other international organizations. During

these meetings, the director and staff of the PCHR acquainted the visitors with the human rights situation in the Occupied Palestinian Territories and with the PCHR's activity related to the promotion of human rights. Following are the most important meetings held in 1997:

<b>Date</b>	<b>Meeting</b>
24 January	Meeting with a delegation from Amnesty International headed by Elizabeth Hodgkin, director of the Middle East Department
25 January	1 – Meeting with an Amnesty International delegation 2 – Meeting with Hannu Halinen, UN Special Rapporteur for the Occupied Palestinian Territories, UN office, Geneva
2 February	Meeting with a delegation from the National Democratic Institute, Washington
3 February	Meeting with a joint delegation from the Ministry of Justice and the Parliament of Germany
12 February	Meeting with former Director of the ICRC-Gaza, Pascal Cota and the new Director, Jack Villetaz
19 February	Meeting with a delegation from Amnesty International
20 February	Meeting between representatives from the World Bank and the PNGO
1 March	Meeting with a delegation from Pax Christi
4 March	1 – Meeting with officials from the Spanish cooperation office 2 – Meeting with Francesca Marotta, from the United Nations High Commission/Committee for Human Rights (UNHC/CHR)
24 March	Meeting with a delegation from Amnesty International
25 March	Meeting with Anna Maria, Minister and Human Rights consultant at the Foreign Ministry of Norway
26 March	Meeting with Catherine Essoyan, representative of NOVIB, the Netherlands
26 March	Meeting with Judith Chomsky, lawyer, USA
3 April	Meeting with the Director of ICRC- Gaza, Jack Villetaz
11 April	Meeting with Per Stadig, head of Middle East Department, International Commission of Jurists, Sweden, and Agneta Johannsen, member of the steering committee of the ICJ and professor of international law at Upsala University and former head of the Red Cross, Sweden
12 April	Meeting with a delegation from the South African Representative Office to the Palestinian Authority
13 April	Meeting with Ambassador Jan Nordland, Director of the Middle East Department at the Swedish Ministry of Foreign Affairs, and Karen Rocksman, General Consul of Sweden in Jerusalem
14 April	Meeting with Chinmaya Gharekhan, Representative of the Secretary General of the United Nations and UN Special Coordinator in the Occupied Territory (UNSCO)
21 April	Meeting with Shawn Barber, First Secretary, Canadian Embassy,

	Tel Aviv
3 May	Meeting with judges, lawyers, and members of Parliament from Germany
4 May	Meeting with Chinmaya Gharekhan, UNSCO
10 May	Meeting with Peter Nobel from the Canadian International Development Agency, CIDA
18 May	Meeting with a delegation from the Australian organization, AFEDA
19 May	Meeting with Chinmaya Gharekhan, UNSCO
21 May	Meeting with Nabil Ramlawi, Palestinian Ambassador to Switzerland
31 May	Meeting with representatives from Dan Church
2 June	Meeting with Amin Makki Medani, the first technical advisor at the UN High Commissioner/Committee for Human Rights (UNHC/CHR) representative office to the Palestinian Authority
17 June	Meeting between Raji Sourani (Director of PCHR), Amin Makki Medani (UNHC/CHR), and Palestinian Chief Justice, Qusai Al-Abadla
1 July	1 – Meeting with Per Stådig, ICJ, and Khader Shkirat, Director of the Palestinian Society for the Protection of Human Rights and the Environment (LAW) 2 – Meeting with Richard Dalton, Consul General of the UK, Jerusalem
2 July	Meeting with the head and members of the Foreign Affairs Committee, Danish Parliament, and a number of officials from the Ministry of Foreign Affairs of Denmark and the Danish Representative Office to the Palestinian Authority
7 July	Meeting with the Staiyislas Laboulaye, Consul General of France in Jerusalem
8 July	Meeting with a delegation from the Ford Foundation office in Cairo including: Steve Lawry (new regional representative for the Ford Foundation), Liz Taylor (consultant and former Regional Program Officer), Hanny Megally (Regional Program Officer), Jocelyn Dejong (RPO), and Richard Sexton (RPO)
9 July	1 - Meeting between PCHR, PNGO, and the delegation from the Ford Foundation (see 8 July) 2 – Meeting with Chinmaya Gharekhan, UNSCO
12 July	Meeting with a delegation from the International Federation for Human Rights including Saadeddine Zmerli (Vice President), Carolle Stanier (Deleguee Permanente de la FIDH apres de l'Union europeenne)
13 July	Meeting at PCHR between the Palestinian Minister of Justice, Freih Abu Medain, and the delegation from the FIDH (see 12 July)
16 July	Meeting with Jack Villettaz, director of ICRC-Gaza
23 July	1 – Meeting with Dana Shell and Jeff Feltman, American Embassy,

	Tel Aviv 2 – Meeting with Nuhad Jamal, program coordinator, and a delegation from Grassroots International, USA
24 July	Meeting with representatives of the World Bank
27 July	Meeting with Diego De Djeda and Isabel Candela from the European Union, Brussels
5 August	1 - Meeting with Abdel Mital Qurshab, delegate of Amnesty International 2 – Meeting with a delegation from the Danish Representative Office to the Palestinian Authority
6 August	Meeting with Sina Bershon, Swedish consulate, Jerusalem
7 August	Meeting with Jack Villetaz, Director of ICRC-Gaza and Yves Giovannoui, Director of ICRC-Tel Aviv
9 August	Meeting with Nabil Qaddoumi, head of the Palestinian Trade Union in Australia and a representative of the Palestinian Human Rights campaign
27 August	Meeting with a delegation from the Foreign Ministry of Norway, including Kjetil Paulsen (Head of 2 <sup>nd</sup> Political Division), Kjetil J. Halvorsen (Executive Officer), Hilde Haraldstad (Executive Officer at Royal Norwegian Embassy in Tel Aviv), and Toger Nilsen (Police Advisor at UNSCO)
28 August	Meeting with Shawn Barber, First Secretary and consul, Canadian Embassy, Tel Aviv
30 August	Meeting with Heidi Minshall (Foreign and commonwealth office, desk officer for the Peace Process, UK)
31 August	1 - Meeting with Amin Makki Medani and Francesca Marotta, UNHC/CHR 2 - Meeting with Vergain Howman, 3 <sup>rd</sup> Secretary, Australian Embassy, Tel Aviv
8 September	Meeting with Kath Simner, Lawyer, Australia
15 September	Meeting with Amin Makki Medani, UNHC/CHR, and Elizabeth Hodgkins from Amnesty International
16 September	Meeting with Chinmaya Gharekhan, UNSCO 2 – Meeting with Linda Taylor and Alexander Moler, lawyers from the International Law Unit, UNRWA
17 September	1 – Meeting with Richard Dalton, British Consul General of the UK, Jerusalem 2- Meeting with a delegation from the Foreign Ministry of Norway
19 September	Meeting with a delegation from the UK including Ernie Ross (Member of Parliament), Derek Wyatt (MP), Dr. Phyllis Starkey, (MP), Bridget Gilchrist (Director of Labor Middle East Council) and Mary Pring (LMEC)
20 September	1 - Meeting with Greg Chapland, foreign office research, Foreign Ministry of UK 2 – Antonio Boblo, National Assistant, Office Advisor of the Prime

	Minister of Australia
26 September	Meeting with John Pace (Chief of the Research and Rights to development branch UNHC/CHR) and Darka Topali (Project officer UNHC/CHR Headquarters in Geneva)
28 September	Meeting with a delegation from the International Federation for Human Rights, including: Dr. Saadeddine Zmerli (FIDH Vice President), Dr. Pierre Pradier (Member of European Parliament), Michel Tubiana (Lawyer, Vice President of the French League for Human Rights), and Christine Duare (President of International Prisons' Watch)
29 September	Meeting with Steve Riskin from the United States Institute for Peace
30 September	Meeting with Peter Askelton (Director General of the British Cultural Council), Trupti Desai, (Director General of the British Council in Gaza), and Ghada Abu Assad (responsible for scholarships and cultural exchange at the British Council)
1 October	Meeting with a delegation of international observers, Hebron
2 October	Meeting with Asma Abu Ghazala, UNICEF
5 October	Meeting with a fact finding committee on the human rights situation from the Netherlands
7 October	1 - Meeting with Nubar Hosipian, counselor from the Centre for Development Counseling 2 – Meeting with representatives from OXFAM, the Netherlands
8 October	Meeting with Dr. Eyad El-Sarraj, High Commissioner of the Palestinian Independent Commission for Citizens Rights, and Nubar Hosipian
9 October	1 - Meeting with Jack Villetaz, Director of ICRC- Gaza, and Yves Giovannoui, director of ICRC-Tel Aviv 2 – Meeting with Karen Rocksman, Consul General of Sweden, Jerusalem
14 October	Meeting with Virginia Paulman, Responsible for Palestinian Territories office at the Embassy of Australia, Tel Aviv
15 October	Meeting with a delegation from International Prisons' Watch
21 October	Meeting between PNGO and the World Bank
22 October	Meeting with Chinmaya Gharekhan, UNSCO
26 October	Meeting with Hannu Halinen, Special Rapporteur on the Occupied Palestinian Territories, UN Office, Geneva
28 October	Meeting with Gene Carter, Director General of UNAIS
5 November	Meeting with a delegation from the Foreign Ministry of the Netherlands, including: Pieter Rammaer (Senior Advisor to Netherlands Minister of Foreign Affairs on Middle Eastern Affairs), Christien van Kooten (Senior desk officer at the Ministry of Foreign affairs – director for international cooperation and responsible for budget line on human rights)
8 November	Meeting with experts and lawyers from Denmark



13 November	Meeting with Annie Foster, Director of Save the Children Foundation
17 November	1 - Meeting with Jonath Stragen, responsible for the Palestine and Jordan office, Ministry of Foreign Affairs, South Africa and To. M. Uys Vilgoen, representative of South Africa to the Palestinian Authority 2 – Meeting with Amin Makki Medani, UNSCO
26 November	Meeting with Max van den berg (Director General of NOVIB), Mario Weima (NOVIB’s political pressure section), and Catherine Essoyan (programme officer, Middle East and Maghreb, NOVIB)
27 November	Joint meeting between Raji Sourani (PCHR), Khader Shkirat (LAW), Eyad El-Sarraj (PICCR), and members of Parliament from Switzerland
30 November	Meeting with Jack Villetaz, Director of ICRC-Gaza
2 December	1 – Meeting with Annick Tonti, Swiss Embassy, Tel Aviv, 2 – Meeting with Shawn Carol, NDI 3 – Meeting with Jack Villetaz, Director of ICRC, Gaza 4 – Meeting with Richard Dalton, General Consul of UK, Jerusalem
9 December	Meeting with Per Stadig, head of Middle East section, ICJ-Sweden
17 December	Meeting with Amin Makki Medani and Francesca Marotta, UNHC/CHR
23 December	Meeting with the new Consul General of the UK, Jerusalem, Robin Kealy

#### OTHER VISITING DELEGATIONS TO THE REGION RECEIVED BY THE PCHR

During 1997, the PCHR received 27 international delegations visiting the Occupied Palestinian Territories with more than 400 people. In these meetings, the PCHR provided a thorough explanation of the human rights situation in the Middle East. Following are a list of the delegations:

<b>Date</b>	<b>Number</b>	<b>Country/Institution</b>	<b>Coordinator</b>
16 January	14	Holland	Middle East Council of Churches, Gaza
22 January	11	Cyprus	Middle East Council of Churches, Gaza
27 February	24	International students	Middle East Council of Churches, Gaza
1 April	14	Association for Palestinian Equality Between People	
13 April	20	International Students from Bir Zeit University	Bir Zeit University

15 April	20	Swedish Churches	Middle East Council of Churches, Gaza
27 April	20	Germany	
28 April	12	Christian Peacemaker Team	
6 May	9	Sweden	Diakonia
21 May	16	Yale Training School	Middle East Council of Churches, Gaza
26 May	33	Earlham College, USA	Weam Center, Jerusalem
29 May	12	Springboard Opportunity	Middle East Council of Churches, Gaza
26 June	5	NDI	
26 June	13	Council for the National Interest	
2 July	20	Danish Parliament	
10 July	9	Mennonite Central Committee	
31 August	16	USA	
9 October	16	Christian Peacemaker Teams, Hebron	Mennonite Central Committee
16 October	24	American Colleges	Middle East Council of Churches, Gaza
20 October	17	The Catholic College for Social Services, Germany	Middle East Council of Churches, Gaza
11 November	20	Canada	Middle East Council of Churches, Gaza
12 November	27	American University, DC	Gaza Community Mental Health Programme
13 November	8	American students	Middle East Council of Churches, Gaza
17 November	11	United Methodist Group	Middle East Council of Churches, Gaza
25 November	15	Swedish Theological Institute	
1 December	15	Group from American colleges and universities	
20 December	15	Olaf College - USA	

#### **INTERVIEWS WITH LOCAL, REGIONAL, AND INTERNATIONAL MEDIA**

During 1997, the director and staff of the PCHR were interviewed by tens of representatives of local, regional, and international media about specific events in the region or the human rights situation in Palestine. Amongst the most prominent

interviews, were the following: Voice of Palestine; Radio South Africa; Orient Radio, Paris; Norwegian TV; French TV Channel 1; ARTE-France; CBS; ABS; NBC; RTE-Radio Ireland; Radio Australia; Newsweek; Al-Ayam; and Al-Ahram international.

#### COORDINATION AND COOPERATION BETWEEN THE PCHR AND REGIONAL AND INTERNATIONAL ORGANIZATIONS

Part of the strategy adopted by the PCHR involves developing its contacts and relations with international and regional NGOs which are well known for their work in the field of human rights and support for the Palestinian people's inalienable rights. The PCHR believes that such relations contribute to the development of the human rights situation in Palestine at the same time as they influence the international environment and international public opinion. During 1997, many organizations provided the PCHR with forums to address international bodies.

##### ***The International Commission of Jurists, Geneva***

A few months after its foundation in 1995, the PCHR acquired affiliation with the International Commission of Jurists, Geneva. The Commission is a non-governmental organization with consultative status in the UN Economic and Social Council, UNESCO, the Council of Europe, and the Organization of African Unity. Founded in 1952, its task is to defend the rule of law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. The Commission has 59 branches worldwide, and usually adopts the positions of member organizations in issues related to their countries. Over the last two years, the ICJ has provided a forum for the PCHR to address international organizations.

##### ***Fédération Internationale des Ligues des Droits de l'Homme (FIDH)***

The International Federation of Human Rights Organization (FIDH) is an international NGO based in Paris that was established in 1992 and represents 89 non-governmental human rights groups, including 57 members and 32 partners worldwide. The organization enjoys consultative status in the United Nations, UNESCO, and the European Council. The PCHR was a partner of the organization during 1996 and, in November 1997, became a member. The FIDH provides a forum for the PCHR to address United Nations and international bodies. The FIDH also holds joint projects with the PCHR. The PCHR expressed its reservations about the participation of the representative of the Israeli organization ACRI to the FIDH Conference held in Dakar, Senegal from 20-23 November 1997. The chosen representative had formal connections with the Government of Israel. Many Arab organizations and other member organizations expressed the same reservation, which led to the suspension of ACRI's membership in the organization.

Upon an invitation from PCHR and LAW, the FIDH sent a fact finding mission to investigate the effects of the Israeli closure imposed on the West Bank and Gaza Strip. The mission included Pierre Bradier, a member of the European Parliament, and Michel Tobiana, Vice President of the French League for Human Rights. The mission visited the area from 25-30 September 1997. A similar mission was sent by the FIDH in December 1996. During its visit in September, the mission conducted intensive meetings with Palestinian and Israeli government officials, human rights representatives, and representatives of the private economic sector. The mission conducted a press conference in Jerusalem on 30 September to announce the results of its investigation. The mission considered that total and partial closures imposed by Israel on the Palestinian people of the West Bank and Gaza Strip were forms of collective punishment as defined by the Fourth Geneva Convention of 1949. The head of the mission, Pierre Bradier, asserted that the FIDH would remind the EU that the European-Israeli Agreement includes a clear article regarding respect for human rights by Israel. Mr. Bradier said that the agreement would soon be ratified by members of the EU but that there was sufficient time for human rights organizations to lobby to ensure that the agreement is bonded with respect for human rights.

#### ***Arab Organizations for Human Rights***

The AOHR, the oldest regional Arab human rights organization, is headed by Secretary General Mohamed Faiq, with a board composed of select Arab human rights activists. During the organization's meeting on 9 October 1997, Raji Sourani, Director of the PCHR, was elected as a member of the board. The PCHR views this development as a further step in strengthening the relationship between the PCHR and other Arab human rights organizations, which now consider the PCHR the representative organization in Palestine.

## TRAINING AND EDUCATIONAL MISSIONS FOR THE STAFF OF THE PCHR

The PCHR has always given priority to improving its capabilities through developing the human resources of its staff and improving their skills in fields related to their work. During 1997, seven members of the PCHR participated in six training activities organized by specialized organizations and human rights institutes. These missions were the following:

- 1) From 28 June–5 July 1997, Reem Abu Dakka, lawyer of the Women's Unit, participated in an international training course on the rights of the child, organized in Belgium by the Center for Child's Rights at the University of Ghent.
- 2) From 30 June–25 July 1997, Abdel Halim Abu Samra and Ibtisam Al-Aidi, from the Field Work Unit, participated in the 28<sup>th</sup> training course organized by the International Institute for Human Rights, Strasbourg, France.
- 3) From 28 June–12 July 1997, Khalil Shaheen, coordinator of the Field Work Unit, participated in a training course on human rights, organized by the Arab Organization for Human Rights, Tunisia.
- 4) From 28 July–8 August 1997, Eyad El-Alami, coordinator of the Legal Aid Unit, participated in a training course held in Geneva and organized by the International Service for Human Rights.
- 5) From 1-11 August 1997, Isam Younis, coordinator of the Social and Economic Rights Unit, participated in an Arab training course on human rights strategy held in Cairo and organized by the Cairo Center for Human Rights studies.
- 6) From 18-25 August 1997, Eyad El-Alami, coordinator of the Legal Aid Unit, and Hamdi Shaqura, coordinator of the Democratic Development Unit, participated in a training course on human rights held in Cyprus and organized by the Justice, Peace, and Human Rights program at the Middle East Council of Churches.

## **ESTABLISHING NEW UNITS AT THE PCHR**

During 1997, two new units were established at the PCHR in the field of women's and social and economic rights. The PCHR hopes to promote the activities of these recently established units during 1998 and the following years.

### **WOMEN'S AND GROUP RIGHTS PROJECT**

This project was established in May 1997 on a one-year, renewable basis. Its establishment, however, was the fruit of a comprehensive study of the conditions of women and the activities of women's institutions in the Gaza Strip. The project aims at providing legal aid to women and women's organizations. Such aid will include legal interventions on behalf of women in Shari'a courts, a service never provided in the Gaza Strip other than by profit making lawyers. In addition, the Project works on raising the legal awareness of Palestinian women regarding human rights and local laws. The project also conducts research on women issues and supports all efforts to amend local laws in order to end all discriminatory measures against women.

### **ECONOMIC AND SOCIAL RIGHTS UNIT**

This unit was established in 1997 to address the crucial issue of economic and social rights in Palestine. The need for such a unit to focus on these rights is enhanced by the almost complete lack of attention that these issues receive from other human rights groups in Palestine. The unit plans to conduct studies, research, and workshops, concentrating on social and economic rights in the West Bank and Gaza Strip. The unit will also attempt to review Palestinian legislation and draft laws to ensure their compatibility with international standards. Finally, the unit will attempt to establish a data-base on these rights to be available for planners and policy makers and to persuade them to ensure that their plans and policies are compatible with international standards.

# **FINANCIAL REPORT**