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ABOUT THIS REPORT

We introduce to the reader the 1998 Annual Report for the Palestinian Centre for Human Rights (PCHR). Contained within is a narrative and financial report for the period from January 1-December 31, 1998. The report will attempt to provide a general picture of the human rights situation in the Gaza Strip. Considering that most activities of PCHR are geographically limited to the Gaza Strip, this report will not provide a comprehensive picture of the human rights situation throughout the Occupied Territories. This is not to suggest, however, that there is any separation between the Occupied Palestinian Territories, which legally remain an integrated zone. Rather, it reflects the Palestinian reality as being the result of a prolonged closure and restrictions imposed on the freedom of movement by the Israeli occupation in the West Bank and Gaza Strip. Accordingly, the information we introduce in this report for the West Bank is not comprehensive and has been used only to highlight specific human rights violations. We take this opportunity to express our appreciation and thanks to all the human rights organizations in the West Bank, including Jerusalem, that have a professional relationship with the Centre and are exchanging information with the Centre about the Palestinian human rights situation.

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 PCHR. An indicator document such as this one will assist us in further developing our work and programs over the coming years.

The report also includes the financial report for the same time period. 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.

INTRODUCTION

This year is not only the 50th anniversary of the Universal Declaration of Human Rights of 1948, but it is also the 50th anniversary of “Al-Nakhba” (the Palestinian Catastrophe) in which Palestinians reflect on long years of suffering and dispersion. These 50 years have brought a continuous violation of Palestinian rights. Although previous years have witnessed a high degree of violation of Palestinian human rights, this year was exceptional for the high level of violations of Palestinian human rights.

The year witnessed a dangerous escalation in the Israeli occupation authority’s use of excessive force against Palestinian civilians in the West Bank and Gaza Strip. In circumstances that posed no threat to the lives of Israelis, the occupation forces killed 23 Palestinians. One woman and one child were included in this number. Seven of those killed were from the Gaza Strip while the other 16 were from the West Bank. In addition, hundreds of Palestinian civilians were injured as a result of live and rubber bullets. In most of the cases, the victims were injured above the waist, which proves that the shooting was done with the aim to kill. In three different events, four Palestinians were extra-judicially killed after they were accused by Israel of being members of Izz Eddin Al-Qassam, the military wing of Hamas.

Israeli settlers killed 11 Palestinian civilians in the West Bank and Gaza Strip during 1998 and injured scores of others as a result of beatings, stabbings, and shootings. The Israeli occupation forces also continued their settlement activities in the Occupied Territories. Such activities include building new housing units within the established settlements, expanding them, or building new settlements. Within this context, the occupation forces intensified their stealing and confiscating of Palestinian land for settlement purposes and for bypass roads to connect the settlements with Israeli land. Such activities came within the context of the Israeli government’s attempts to create new facts on the ground and to disrupt the geographic unity of Palestinian land, thus creating a Palestinian ghetto surrounded by settlements as a means to prevent the establishment of a Palestinian state.

The occupation forces continue implementing collective punishment against Palestinian civilians in clear violation of international law. Israel continues in imposing the policy of closure on the West Bank and Gaza Strip – a policy that has led to disastrous results for the basic rights and freedoms of Palestinians, particularly the economic, social, and cultural rights of Palestinian civilians. The restrictions on the trading activities of the West Bank and Gaza Strip remain. Also, restrictions on Palestinian freedom of movement between the Palestinian areas or to foreign countries remain. These restrictions include travel limitations on laborers, students, and medical patients. In addition, an internal closure was imposed on a

number of cities and villages. The year witnessed the death of two citizens at Israeli military checkpoints in the West Bank as a result of the Israeli policy of closure and the blocking of patients needing access to hospitals.

By the end of 1998 almost 2,500 Palestinian detainees were still in Israeli prisons. Among them, 100 detainees were administratively arrested without trial. Those detainees are subjected to inhuman living circumstances and are suffering from medical neglect. During 1998, four Palestinian prisoners died in Israeli prisons, two of them as a result of Israeli medical negligence; a third was said by the Israeli occupation forces to have committed suicide. There is evidence that the fourth detainee died as a result of torture. Torture is a regular outcome of Israeli policy against detainees, especially after the legalization of torture by the Israeli executive, judicial, and legislative authorities. Israel is regarded as the only state in the world that has legalized torture.

More than five years after signing the Israeli-Palestinian Declaration of Principles on September 13, 1993, and more than four years after the May 4, 1994 Interim Agreement between Israel and the PLO, there are clear indicators that Palestinian human rights have been sacrificed for “peace” and “security.” By the end of 1998, neither peace nor security had been achieved and the human rights situation had deteriorated. The Israeli measures against the Palestinian people and their land led to a complete blocking of the peace process. The government of Israeli Prime Minister Binyamin Netanyahu worked at killing the peace process and neglected its international commitments resulting from the Interim Agreement. This was clear through the following:

1. The refusal to re-deploy from the West Bank;
2. The escalation of settlement activities and confiscation of Palestinian land;
3. The continuing adoption of measures aimed at isolating East Jerusalem from the rest of the occupied land and the pursuit of ethnic cleansing policies;
4. The continuing imposition of closure and the refusal to open safe passages between the West Bank and Gaza Strip; and
5. The insistence on refusing to release Palestinian detainees and indeed using them as a means of political blackmail.

Within this context, the Israeli government, with the support of the United States, continued to pressure the Palestinian Authority (PA) to violate human rights standards through forcing it to carry out illegal arresting waves of Palestinian opposition members.

On October 23, 1998, the Palestinian President Yasser Arafat, the Israeli Prime Minister Binyamin Netanyahu, and the American President Bill Clinton signed the Wye River Memorandum after intensive efforts by the

American administration to push forward the peace process. What particularly concerns PCHR is that this Memorandum once again neglected the importance of human rights in securing meaningful peace and security. In a dangerous development, the United States will play a fundamental role in implementing the security aspects of the Memorandum through its direct participation in a bi-lateral committee with the PA and a tri-lateral committee with both the PA and Israel to monitor the necessary steps to be taken by the PA to combat violence.

According to the Memorandum, a timetable of three months was agreed to in order to implement the second phase of re-deploying Israeli forces in the West Bank according to the Interim Agreement signed on September 28, 1995. Palestinian official sources mentioned that the PA would control, according to the agreement, about 44 percent of the West Bank, but it was clear that this amount would not only include the areas under Palestinian civil and security jurisdiction (Area A), but would include the areas under PA civil jurisdiction and Israeli security jurisdiction (Area B). According to the first phase of the re-deployment process, which began at the beginning of October 1995, the size of the area subject to PA civil and security control is three percent of the West Bank. According to the new agreement, 14.2 percent will be added to it from Area B and one percent from Area C (full Israeli control). In addition, about 12 percent will be transferred from Area C to Area B. Accordingly, by the completion of the second phase of the Israeli occupation forces' re-deployment, the size of the area under full Palestinian security and civil control (Area A) will be approximately 18.2 percent while approximately 81.8 percent will be under Israeli security control. A minority share of this area of 81.2 percent will be under Palestinian civil control (Area B). In regard to the Gaza Strip, nothing will change. The Israeli occupation forces will continue to control 40 percent of the Gaza Strip, including the military installations, the settlements, the bypass roads, and the yellow areas (those areas subjected to Israeli security control) as set forth in the Interim Agreement of 1994.

The Israeli government is using the partial re-deployment process from the West Bank and Gaza Strip as a means to justify its illegal stand refusing to implement the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949. In this context, Israel claims that more than 90 percent of the inhabitants of the West Bank and Gaza Strip are under PA control. This matter violates the Fourth Geneva Convention and does not free Israel from implementing its commitment as one of the High Contracting Parties (HCPs) to the Convention. The year witnessed intensive activities carried out by the Swiss government to prepare for a conference of the HCPs to discuss possible means of implementing the Fourth Geneva Convention in the Occupied Territories. In doing so, Switzerland claimed to be implementing the UN General Assembly recommendation to it as the depository of the Geneva Conventions. The steps currently being taken, however, contradict the UN General Assembly

resolutions. The PLO participated in the meeting despite the Centre warning not to take part.

Soon after the signing of the Wye River Memorandum, the PA adopted additional measures against the opposition forces. Such measures included the carrying out of illegal waves of arrests against them and added restrictions on the right of freedom of expression and the right of peaceful assembly. Despite the PA's adoption of these heavy-handed measures, the Israeli government quickly refused to re-deploy from the areas agreed at Wye. The year ended with the peace process suffering from clinical death and waiting for an early Israeli election in May 1999.

The essential defect in PA practices is its inability (and outright lack of enthusiasm) to balance between its commitment in the Interim Agreement to Israel and its commitment to Palestinian society. Although the PA met its commitments in the peace process, internal structural defects emerged, particularly as regards the rule of law, respect for human rights, and the need to create a political system that is based on the concept of the separation of powers as the necessary foundation for establishing a democratic Palestinian state. During 1998 the defective aspects in PA practices remained and were exacerbated. There was a dangerous deterioration in the rule of law and justice. The High State Security Court is still working without the minimum standards for holding fair trials. In February 1998 the PA retired the Chief Justice, who is the President of the High Court of Justice. The position was still unfilled at the beginning of 1999. Also, in May 1998, the Attorney General resigned from his position in protest over the non-implementation of his orders. His position remained unfilled at the beginning of 1999 as well. The year also witnessed the failure of the Executive Authority to follow court decisions, including those of the High Court. All of these matters contributed to a deteriorating judicial system in the Occupied Territories.

The Palestinian security forces continued carrying out illegal arresting waves against the opposition due to their political opinions. In a new qualitative escalation, the PA imposed a house arrest on Sheikh Ahmed Yassin, the founder and spiritual leader of the Islamic Resistance Movement (Hamas). The year ended without releasing scores of citizens who were arrested without legal procedures being brought against them. A number of these detainees have been detained for approximately three years. In addition, 1998 recorded a number of cases in which detainees were subjected to different kinds of torture and inhuman treatment by Palestinian interrogators.

During the year, there was also a decrease in the practice of freedom of expression and publication. The PA imposed additional restrictions on the work of journalists and arrested and beat a number of them who were

merely carrying out their work. A number of press agency offices were closed without any legal justification.

Finally, 1998 witnessed clear shortcomings in the Palestinian Legislative Council (PLC). The PLC did not meet expectations of its role, especially in legislation, monitoring, and accountability. It was clear that the Executive Authority was working at marginalizing the Council. In turn, the Council failed to adopt serious measures to counter the Executive Authority's efforts. The situation worsened with the beating of PLC members by the security forces of the Executive Authority on August 26, 1998 during their participation in popular protest against the house arrest of the Imad Awadallah family after Imad escaped from the Jericho jail on August 15, 1998. The year ended without the Executive Authority approving the Basic Law, which had already been approved by the Legislative Council in its third draft on October 2, 1997. Furthermore, no election had been held for Local Councils by the end of the year. Instead, it was deferred to an uncertain date.

ISRAELI VIOLATIONS OF PALESTINIAN HUMAN RIGHTS

The Israeli Policy of Closure in the West Bank and Gaza Strip

Throughout 1998 Israel continued to implement its policy of closure in the Occupied Palestinian Territories (OPT), although limited easing measures were implemented concerning the movement of individuals and trade into Israeli territory. The year witnessed a decrease to 21 total closure days from 54 days in 1997. On the remaining days of the year, however, a partial closure was imposed. During a total closure, Israel completely closes all the crossing points between the Gaza Strip and Israeli territory to individuals. Frequently, importing and exporting activities are also forbidden.

When closure is eased to partial closure status, Israel gradually allows imports and exports, as well as allowing a limited number of Palestinian workers and traders into Israel. In addition, a limited number of citizens are allowed to leave the country via Ben Gurion Airport while closure is in effect.

Closure Update

On October 8, 1998, PCHR published its 22nd update on the policy of closure imposed on the Gaza Strip. The first issue was published in March 1996. The October publication documents the effects of the closure on all aspects of life in the Gaza Strip. On September 11, 1998, Israel announced its tightening of closure measures and canceled all the partial easing measures it had previously announced. This came after Israel killed the brothers Imad and Adel Awadallah in Hebron on September 10, 1998. The brothers had been accused by Israeli security forces of belonging to the military wing of the Islamic Resistance Movement (Hamas) and of participating in military operations against Israel. According to Israel, its new closure measures are vital for security purposes in order to prevent any revenge attacks against Israel.

PCHR restated in the publication its rejection of the Israeli reasoning for closure as this measure had never prevented military operations in the past. PCHR considers the policy of closure to be a form of collective punishment against the Palestinian people in the OPT. Such collective punishment is prohibited by international law as it constitutes a dangerous violation of social and economic rights and leads to a continuous deterioration in the standard of living. PCHR expressed its concern about the failure of the international community to put a limit on Israel's use of illegal measures in the OPT, including the policy of closure which has been used continually over the last five years. According to Closure Update 22 and other documentation by PCHR, closure has several major implications on the lives of Palestinians. These implications are detailed below.

1. Prevention of Palestinian Laborers from Working in Israel

The laborers are facing very difficult living and economic conditions as a result of denying them access to their workplaces in Israel. Depression and uncertainty dominate the lives of the workers due to constant uncertainty about their economic futures. On September 11, 1998, Israel once again prevented Palestinian workers from entering Israel and canceled all the permits that were valid before that day. At that time, there were 50,000 workers in Israel, half of whom were from Gaza and the other half of whom were from the West Bank, compared with 150,000 workers before the policy of closure was implemented in the early 1990s.

The Number of Gazan Workers Issued Permits in 1998

Month	Number of Permits Issued
January	23,639
February	23,422
March	23,604
April	23,742
May	23,587
June	24,825
July	25,208
August	25,477
September	25,647
October	25,647
November	23,350
December	25,647

With the tightening of the closure on September 11, Israel announced that it was canceling all permits and that Palestinian laborers would be unable to reach their workplaces in Israel. After three days, Israel announced gradual easing measures and issued new permits to the workers. However, on September 18, Israel tightened its measures once again and prevented Palestinians from entering Israel, including those who had been issued new permits in the last few days. Therefore, once again there were no laborers at all who were allowed to reach their workplaces. This situation prevailed until September 22 when those workers with valid permits were allowed to enter Israeli territory. On October 3, measures were tightened yet again and this situation continued until the morning of October 14. After this date, workers were gradually allowed to enter Israel, but by the end of the year their total number had only reached 48,000, of which 25,647 were from the Gaza Strip. These details highlight the uncertain future for many Palestinian families dependent on the salaries of relatives working in Israel.

2. Hardships Faced by Gazan Students in West Bank Universities

For more than 30 months, the Gazan students enrolled in universities and higher education institutions in the West Bank have suffered as a result of their inability to enter the West Bank. From February 25 when the strict closure was imposed until now, Israel has not allowed 1,200 students to go to the West Bank to study.

On March 12, 1996, Israel announced a military order calling for the expulsion of all Gazan students from the West Bank back to the Gaza Strip. On March 28, 1996, Israel launched a wave of arrests of Gazan students and sent them back to Gaza. Until the end of 1998, the situation remained the same and the students derived no benefits from the easing measures of the closure. Although some students did manage to return to the West Bank without permission, Israel considers the presence of these students illegal and constantly pursues and harasses them. As a result, these students have been living in insecure and uncertain circumstances, and are totally cut off from their families in the Gaza Strip.

3. The Prevention of Gazan Citizens from Receiving Medical Services outside the Gaza Strip

The Gaza Strip lacks sufficient medical facilities to be able to depend on itself, due to the fact that the PA inherited a destroyed health infrastructure as a result of the Israeli negligence over the last three decades. In those cases that cannot be treated in the Gaza Strip, most Gazans go to Palestinian hospitals in the West Bank which are considered relatively more developed, including Jerusalem hospitals, or hospitals in neighboring Arab countries such as Egypt and Jordan, and even Israeli hospitals. Due to the policy of closure, strict measures are imposed on the movement of patients through Israel. In some cases the patients are not allowed to cross through Israel. This can sometimes lead to fatal medical consequences. Many patients have died as a result of long delays at checkpoints or because of Israel's refusal to issue them permits.¹

By introducing some easing measures Israel allows some patients to pass after granting them the necessary permission, although security considerations, rather than the state of health of the patient, remain the basic criteria in deciding whether to accept a request for a permit. Therefore, a large number of people are denied the right to receive necessary treatment for unexplained security reasons.

¹ See the previous issues of the Closure Update, which include complete documentation of these cases in the Gaza Strip. In the West Bank, two people died in 1998 as a result of the closure:

1. Qusai Haddad (3 months old from Hebron) died on August 23, 1998 after his mother and he were denied access to a hospital at a military checkpoint.
2. Houreya Abu Hmaid (40 years old from Hebron) died on September 10, 1998 after she was denied access to a hospital at a military checkpoint despite the fact that she was giving birth.

The lives of the patients who go to neighboring Arab countries (especially Jordan) to receive medical treatment are often put at risk, since their transfer to these countries requires complicated arrangements imposed by Israel. After getting the necessary permission to pass through Israel, joint Israeli, Palestinian, and Jordanian coordination is required. Firstly, the patient is transferred by a Palestinian ambulance containing all the necessary medical equipment and is accompanied by a doctor and nurse to Beit Hanoun (Erez) checkpoint, where the patient and his companions are subjected to a search that can take many hours. Then the ambulance continues to Al-Karama border crossing to Jordan. Here a new problem emerges as the Israeli soldiers force the patient to wait in the ambulance, claiming that the Jordanian ambulance has not yet arrived or that there is no coordination. After a delay of up to four hours the patient is eventually allowed to cross the border and enter the Jordanian ambulance.

After the patient receives treatment, the process of bringing him or her back to Gaza also requires the same Palestinian, Jordanian, and Israeli coordination. Israeli manipulation emerges again. The Israeli soldiers normally claim that the Palestinian ambulance has not arrived or they claim that the necessary coordination between the two sides has not taken place. The patient must therefore wait long hours. Such delays endanger lives as most patients receiving medical treatment in Jordan have heart diseases. After long hours of waiting, some patients are allowed to pass, although others are required to wait until the following day.

Imposing Restrictions on the Freedom of Movement inside the Gaza Strip

Although Israeli forces re-deployed from the Gaza Strip in May 1994 as required by the Interim Agreements, Israel still controls 40 percent of Gazan land. In addition to Israeli settlements², military installations, and the so-called yellow areas which are under Israeli security control, the Israeli soldiers are found on the main roads in the Gaza Strip and they control the movement of citizens in different areas. Citizens are subjected daily to searches and are stopped for many hours at Tufah and Al-Sultan checkpoints. These checkpoints are located at the entrance to Rafah and Khan Younis agricultural areas, which are under Israeli control. In many cases, these two checkpoints are closed and citizens are not allowed to pass, including approximately 3,000 students, some of whom are in elementary school. This leaves them unable to go to school or, on other occasions, to return home from school.

From time to time, Israel closes main roads, especially in areas located near the settlements, such as the coast road connecting the north and south of the Gaza Strip. This restricts the movement of citizens considerably and forces

² The settlement activities and settler practices will be discussed on pages 26-33 of this report.

them to use difficult minor and unpaved roads. These measures violate international agreements that guarantee freedom of movement for citizens and violate the Interim Agreement which asserted the right of Palestinian citizens to use these roads. On many occasions, the closures have led to clashes between Palestinians and Israeli soldiers and settlers. For example, on July 2, 1998, Israeli military vehicles blocked the road for approximately 40 Palestinian cars carrying about 100 citizens, including the Minister of Supply, Abdel Aziz Shaheen. This incident occurred in front of the beach area of Gush Katif settlement which is situated beside the coast road. The Israeli military vehicles prevented the Minister's car from heading toward Gaza City. Additional Israeli troops arrived and tried to force the Palestinian cars to turn back and pass through the nearest route, which was approximately 700 meters away. The Israeli soldiers asked them to take another more difficult route which was approximately three kilometers longer. The Palestinian citizens gathered in a peaceful sit-in, insisting that they be allowed to pass. Challenging this, the Israelis cordoned off part of the road and denied access to citizens and journalists. Negotiations took place between the Palestinian and Israeli officials to reach an agreement to open the road to traffic. Israel refused. As a result, a number of citizens went to the main north-south road and made a barrier of lorries at the entrances and exits to the settlements, which prevented settlers from using the roads. The areas affected were the entrance to Gush Katif, the exit of Kosevim, the exit of Netzarim, and the exit of Moraj settlement. As a result, Israel sent a large number of soldiers and military vehicles in an attempt to open the blocked areas. A great deal of tension resulted. Israel imposed a comprehensive closure on the Gaza Strip, closing all entrances to Israel and the Rafah border. This tense situation continued until 3:30 the next day (July 3, 1998) when the problem was solved and the situation returned to "normal." Nevertheless, the north-south road remained closed for a few days.

Torture and Ill-treatment of Palestinian Prisoners in Israel

Despite the relatively peaceful atmosphere that has dominated the area since the signing of the Israeli-Palestinian Declaration of Principles in September 1993, there are still almost 2,500 Palestinian detainees in Israeli jails and detention centers. This number is not final due to the constant waves of arrests in areas under Israeli jurisdiction, at the Israeli Ben Gurion Airport, at border crossings with Egypt and Jordan (as Israel still controls security there), and on the borders between Palestine and Israel.

The Palestinian citizens living in PA-controlled areas are not exempt from arrest by the Israeli authorities. In a dangerous development, the Israeli military command issued two military orders in 1997 in which the responsibility for non-compliance with Israeli military orders in PA-controlled areas was granted to the Israeli military court.

In 1998 Israel arrested more than 500 citizens from the Gaza Strip, compared to 400 in 1997.³ This number includes 100 Gazans who were arrested at the border crossings with Jordan and Egypt, at Ben Gurion Airport, at Erez checkpoint in Gaza, and in the areas close to the Israeli settlements in Gaza. The other detainees were arrested inside Israel for not having permits.⁴

Table Indicating the Number and Place of Arrest of Detainees from the Gaza Strip in 1998⁵

Number of Detainees	Area of Arrest
39	Rafah border entrance
3	Al-Karama border entrance
11	Ben Gurion Airport
19	Near Gaza settlements
29	Erez checkpoint (despite having permission)

Israel's imprisonment of Palestinians in jails and detention centers inside its territory is a clear violation of the Fourth Geneva Convention of 1949. In addition to the inhumane living conditions in prisons, many Palestinian detainees are subjected to torture and ill-treatment by Israel. Indeed, Israel is the only state in the world to have legalized torture. In 1998 four Palestinian detainees died in Israeli jails as a result of the terrible conditions and lack of medical care. It is believed that one of these deaths was a result of torture.⁶ Palestinian detainees are banned from receiving regular family visits. In addition, Israel does not allow Gazan lawyers to visit the detainees in order to provide them with legal assistance.

In 1998 Israel failed once again to implement the legal commitments that it agreed to in the Interim Agreement concerning the release of detainees. From the 250 political detainees that should have been released in the first stage of Wye River, Israel released on November 20, 1998 approximately 100 Palestinian political detainees, 17 of whom were from the Gaza Strip. The majority of them had almost completed their jail sentences. In addition, Israel released 150 Palestinian detainees who were arrested as a result of criminal, rather than political issues. This matter has exacerbated the

³ Israel does not announce the number of arrests it makes, although this number can be determined through the documentation of the Israeli military court in the Gaza Strip. Up until December 7, 1998, there were 544 trials in the files from the start of the year. In many cases, the same file includes more than one detainee. The more than 500 citizens arrested include only the cases that were documented by PCHR's Field Work Unit. Most of these cases were followed up by the Legal Unit in the Centre.

⁴ These detainees were brought before the Israeli military court and their punishments ranged from fines to jail sentences of three months. It is clear, however, that this very fact undermines the Israeli official pretext that the closure of the Occupied Territories was imposed to prevent suicide operations against Israelis. Bearing in mind that hundreds of ordinary Palestinian citizens have been able to infiltrate to Israel to seek employment, it is illogical to believe that closure deters individuals committed to suicide bombings in Israel.

⁵ This number does not include the detainees who were arrested inside Israel for having no permit.

⁶ For more details about this case, see page 6 of this report.

feeling of depression among the Palestinian people, which led to confrontations between the Palestinians and the Israeli forces. Four Palestinian civilians were killed and hundreds more injured, some seriously. On the evening of December 5, 1998, Palestinian detainees announced an open hunger strike in protest of their ongoing arrest.

Deaths of Detainees in Israeli Prisons

During 1998 four Palestinian detainees died in Israeli jails, three of them from the Gaza Strip and the fourth from the West Bank. In two of these cases, there is evidence of medical negligence as the reason for death. In the other two cases, Israel claims the detainees committed suicide. PCHR is still following up one of these supposed suicides but has yet to receive the pathologist's report. In the other case, it is thought that the victim was subjected to torture as the pathologist who examined the body found no signs of suicide.

1. Nidal Zekaria Abu Surur (19 years old from Bethlehem)

He died on January 29, 1998 in Hadassah Hospital (in Ein Karem, Jerusalem), after being moved from Maskubia Detention Center in Jerusalem. He had been arrested on January 6, 1996, and it is thought that he was subjected to torture that severely damaged his health, although the Israeli authorities claimed he slipped on a bar of soap in the shower. When his family visited him in the hospital he was unconscious until he died. The Israeli authorities claimed that he hanged himself. The Palestinian pathologist rejected this and stated that there was no evidence that the detainee tried to hang himself.

2. Yusef Diab El-Areer (60 years old from Gaza City)

He died on June 21, 1998 in the hospital of El-Ramleh prison where he had been moved from Tel-Hashomer Hospital in Israel after heart surgery. PCHR believes there is strong reason to believe that he died due to negligence in El-Ramleh prison hospital. An investigation of his death from a neutral party was requested by PCHR. This has not occurred as of yet.⁷

3. Jamal Hassan Al-Khamisi (33 years old from El-Maghazi refugee camp in the Gaza Strip)

He died on July 26, 1998 in Al-Shifa Hospital in Gaza, five days after his release from prison as a result of a deterioration in his health. PCHR had asked for the provision of the necessary medical treatment as well as for his release on humanitarian grounds many times in the past. Al-Khamisi had been suffering from cancer of the liver.⁸

⁷ For complete details about this incident, see pages 21-22 of this report.

⁸ For more details, see page 23 of this report.

4. Ahmed Fayez Asfour (23 years old from Khan Younis in the Gaza Strip)

He died in Soroka Hospital in Israel on October 4, 1998 after being moved from Beersheva jail. The Israeli authorities claimed that he tried to commit suicide and that they moved him to the hospital after discovering this. PCHR held Israel responsible for his death as a result of his ongoing incarceration beyond the length of his sentence. PCHR asked for an investigation into his death as it is suspicious of Israeli claims. PCHR, representing the family of the deceased, has not yet received the pathologist's report.⁹

Administrative Detention

Administrative detention is the mechanism that has been used by the Israeli forces in the last 30 years to arrest any member of the public without charge or trial. The arrest order is issued by the Israeli District Military Commander in Palestinian controlled areas in the Gaza Strip and the West Bank, excluding Jerusalem, where the orders are issued through the Israeli Defense Minister, as in other areas over which it considers itself to have sovereignty. Administrative detention measures do not follow correct judicial procedures, which are asserted by international agreement. In a clear violation of human rights the detainee is barred from his right to a fair trial, from knowing what he is accused of, and from his right to have suitable defense.

Administrative detention violates the Fourth Geneva Convention of 1949 which asserts that this kind of arrest must not be used as a means of punishment, but only in exceptional cases as a last resort (Article 78). The Israeli forces, however, use administrative detention in a routine way as thousands of Palestinian citizens are subjected to this punishment for periods of up to four years. Currently, there are about 100 administrative detainees, including Osama Burhum, who has been detained since September 1994. His detention is continually renewed. Like other detainees, administrative detainees are in prisons in Israeli areas. This is another violation of the Fourth Geneva Convention as it prohibits an occupying country from moving detainees from the OPT.

In 1998 Israel issued administrative detention orders to two citizens in the Gaza Strip living in PA-controlled areas.¹⁰ This very fact infringes on Palestinian control of security in areas under the jurisdiction of the PA.

⁹ For more details, see PCHR's press release on page 24 of this report.

¹⁰ See the details about these two detainees in PCHR's press releases on pages 19-20 and page 24 of this report.

Legal Aid Provided by PCHR for the Detainees in Israeli Jails

The Legal Aid Unit has continued its work of providing legal services for detainees. Four lawyers are working in this unit and handle daily complaints from the families of the detainees. The Legal Aid Unit provides them with legal consultations. Moreover, the unit intervenes before Israeli courts on behalf of detainees. However, Israel refuses to allow Palestinian lawyers from the Gaza Strip to visit the prisons and detention centers or to defend their clients in Israeli courts. Therefore, the unit depends on Israeli lawyers to follow up tens of files. The unit also coordinates its work through cooperation with various human rights organizations in Israel.

During 1998 the number of detainees in Israeli prisons that were followed up by the unit in the Centre reached 62 cases. The total service of the unit in 1998 can be summarized as follows:

- The place of arrest for all the detainees was determined and their families were informed.
- Israeli lawyers at the request of PCHR visited all the detainees.
- In nine cases, lawyers went to court to object to the ill-treatment and use of torture directed against detainees during interrogation.
- Lawyers went to court to raise objections to the renewal of the period of custody of four detainees.
- Forty detainees were defended in Israeli military courts.
- Objections were raised regarding preventing detainees' families from attending the trials in two cases.
- Objections were raised regarding preventing the lawyers from visiting clients in four cases.
- Twenty-three detainees whose cases were followed by PCHR have been released.
- Four detainees whose cases have been followed by PCHR have been released on bail.
- Seventeen detainees whose cases have been followed by PCHR have been put on trial.

Humanitarian Aid for Detainees

The Centre provides small financial assistance to a number of detainees in Israeli prisons to cover personal expenditures (pocket money) in prison. As a result of limited financial resources, this aid is limited to those in urgent need of such funding.

Poster for the Detainees

Among its support activities for detainees, PCHR prepared a special poster reflecting their suffering, their hopes, and their dreams of freedom. This poster was distributed locally and internationally on the anniversary of

Palestinian Prisoners' Day on April 17. The poster was drawn by a Palestinian artist and was aimed at gathering local and international support for the detainees' request for freedom and to raise awareness of their just cause.

Press Releases Issued by PCHR about Palestinian and Arab Prisoners Held in Israeli Occupation Prisons

January 13, 1998

The Centre published a press release about the permission given to the interrogators in the General Security Service (Shabak) by the Israeli High Court to use torture methods against Palestinian detainees in Israeli prisons. The Israeli High Court convened on January 12, 1998 and discussed the appeal to stop torture against the detainee Abdel Rahman Ghunimat from Surif village in Hebron. Ghunimat was accused of being a member of Hamas' military wing, Izz Eddin Al-Qassam. Unexpectedly, the court convened a meeting with a commission made up of nine judges to consider the request to stop torture against the detainees. After discussion, the court issued its decision allowing the General Security Service officers to continue using torture against Ghunimat. The decision of the commission was five in favor and four against the use of torture. The decision allowed the officers to use methods of torture, such as *shabeh* (keeping the detainees in the same position for long periods of time), sleep deprivation, continuously subjecting them to loud music, and putting dirty bags on detainees' heads. In addition, they are allowed to use the method of violent shaking that led to the death of Abdel Samad Horayzat on April 25, 1995.

The press release considered the approval of the Israeli High Court to legalize torture once again to be a shameful action. It proves that the cooperation between the different Israeli authorities makes the law and those responsible for executing it in the service of the intelligence department to be without any ethics. The press release mentioned that Israel is the only country in the world that legitimizes torture and provides it with the veneer of legality. Moreover, the press release considers the decision of the High Court to be a clear violation of human rights principles and norms.

January 13, 1998

The Centre issued a press release about the Israeli government's renewed policy of administrative detention for the citizens of Gaza. On October 2, 1997, Israeli security forces arrested Ashraf Ata Ahmed Qandil at Rafah border as he was leaving for Egypt where he is studying for a degree in history. On November 19, 1997, after interrogating him, and after it was proven that there was nothing against him, he was detained for six months.

The press release asserted that administrative detention carried out by Israeli security services contradicts the Fourth Geneva Convention regarding the protection of civilians in times of war. Article 78 from the Convention asserts that administrative detention must not be used in any case as an instrument of punishment, save in exceptional cases with specific reasons. Moreover, anyone arrested by Israeli occupation forces must not be moved to a prison in the land of the occupying country. The Fourth Geneva Convention gives particular concern to the treatment that detainees must enjoy in comparison with normal detainees, especially when the exceptional reasons for their arrests are taken into consideration.

The press release asserted that the Israeli forces failed to fulfill the above-mentioned criteria since administrative detention is practiced as a form of collective punishment. The number of detainees throughout the years of occupation, especially in the *Intifada*, proved that this was a routine measure and a form of collective punishment. In addition, the press release asserted that what was done was illegal and that the correct legal procedures had not been followed.

The press release also introduced the circumstances surrounding the administrative detainees as they were deprived of their right to receive family visits. They were further subjected to the use of illegal force from the soldiers. This treatment accompanied the prisoners deteriorating health and their inferior diet. It can be said with full confidence that the minimum criteria for operating a prison that were adopted by the United Nations in 1955 are not being respected.

The press release further explained that the arrest of Ashraf Qandil exacerbated a dangerous and serious situation since he is living in an area within the PA's legal jurisdiction which means that only the PA has the right to judge him. Therefore, if there is any reason to arrest him, the PA should arrest him, not the Israeli government, as he has not done anything to harm Israel or its citizens, and he has not been proven guilty of any actions, even by an Israeli court. Israel's actions were carried out in a manner giving it extra-territorial jurisdiction as it assumed the right to arrest whomever it wanted, whenever, and wherever.

The press release condemned the administrative detention of Ashraf Qandil and asked the Israeli government to release him and all the administrative detainees immediately as their arrests were illegal. These arrests have to be followed up judicially. Moreover, the press release renews the Centre's appeal for the international community, through the countries that signed the Fourth Geneva Convention, to work on the release of all the administrative detainees and to implement its commitments to international law through respect for the Fourth Geneva Convention articles.

March 15, 1998

PCHR issued a press release about the decision of the Israeli military court in Erez to release Ashraf Nasrallah on bail. Nasrallah was born in 1972 and finished his studies in Syria in 1997. He was arrested at the Rafah border while he was returning to Gaza after graduating in law. The Centre received details of this issue and asked an Israeli lawyer to follow up this issue. The lawyer asked for his release on bail due to lack of evidence against him. The military prosecutor had forwarded his list against Nasrallah and accused him of belonging to an illegal organization and providing services for it. The decision to release him on bail was issued by the military court in Erez.

The press release explained that the Israeli authorities since April 8, 1996 have been prohibiting 500 Gazan lawyers from visiting prisons and detention centers to see their clients.

April 17, 1998

PCHR issued a press release on Palestinian Prisoners' Day. The press release presented the circumstances of arrest faced by almost 2,500 detainees in occupation prisons and detention centers. Among these nearly 2,500 detainees, approximately 200 detainees are under 18 years old and more than 500 of the total suffer from various diseases. The detainees are living in very difficult circumstances as a result of the policy adopted by the Israeli prison administration. Israel's harsh practices increased after the signing of the peace agreement between the Israeli government and the PLO. Such practices constitute a clear violation of international law at a time in which an atmosphere of peace should prevail. The release of detainees must be implemented as an obligation of the peace process. The government of Israel has not only denied what it has signed but also is trying to destroy humanitarian values by adopting extremely harsh and unimaginable measures in a clear violation of prisoners' rights in a way that turns them into little more than bargaining chips.

The press release appealed to the international community, especially the High Contracting Parties (HCPs) to the Fourth Geneva Convention and the sponsors of the peace process, to put pressure on the Israeli government to commit itself to human rights. In particular, the press release called for the immediate release of Palestinian and Arab detainees so that they can participate in building their state. The "peace process" has become meaningless as long as Palestinian and Arab detainees are still in prison. It is not possible that the Israeli violations of international law, the failure to implement what was agreed, and the Israeli refusal to commit itself to the peace process could continue without the ongoing international silence.

June 22, 1998

PCHR issued a press release about the death of Palestinian prisoner Yusef El-Areer on June 21, 1998 at Ramleh prison hospital in Israel, 10 hours after being transferred from the hospital where he had undergone bypass surgery a month earlier. PCHR concluded that there were strong reasons to believe that his death resulted from negligence on the part of the staff in Ramleh prison hospital and demanded an investigation.

Yusef El-Areer was born in Gaza in 1938, was arrested three times by Israeli authorities, first in 1968, at which time he was sentenced to five years in prison, second in 1974, at which time he was sentenced to 14 years in prison, and again in 1978, at which time he was sentenced to 12 years in prison. El-Areer was afflicted by heart disease and was transferred from Ashkelon prison to Tel-Hashomer Hospital near Tel Aviv where he underwent heart surgery on May 18 without the knowledge of his family.

According to family sources, the family was informed of the surgery only on June 4, at which time El-Areer was in intensive care. His family visited him after intervention from the International Committee of the Red Cross (ICRC). His wife was able to visit him on June 21 due to the intervention of ICRC. El-Areer's wife informed PCHR that she spoke with her husband for more than an hour and that he was stable and in good health. However, on the same day he was transferred at 11 a.m. to Ramleh prison hospital, where he died approximately 10 hours after his arrival. PCHR issued the following comments on the El-Areer case:

1. Dr. Salim Haji Yehyia, the surgeon who performed the surgery informed PCHR that the patient was in stable condition, but that he had to remain in the hospital until his condition improved. Dr. Yehyia expressed anger when he was informed about the death of his patient.
2. His wife and family were informed of the operation only two weeks later. His wife was not allowed to visit him until ICRC intervened. Despite the humanitarian nature of the circumstances and the medical condition of El-Areer, his wife was not allowed to pay him regular visits. These Israeli practices should be condemned worldwide. PCHR reiterates its warning and the warnings of all human rights organizations regarding the rights of prisoners and patients, such as the right to receive regular family visits.
3. Human rights organizations have been focusing on ill-treatment and the lack of medical care in prisons and hospitals which has led to the death of many prisoners. The death of El-Areer raises questions about the circumstances and cause of his death, especially in light of the information released by his doctor at Tel-Hashomer Hospital.

Consequently, PCHR demands urgent intervention from the international community and demands the formation of an international committee to

investigate the circumstances of deaths and living conditions of prisoners in Israel, especially medical patients.

July 15, 1998

PCHR issued a press release protesting the continued detention of Jamal Hassan Al-Khamisi, a resident of El-Maghazi who had been detained since September 1989 and was sentenced to 20 years in prison. PCHR demanded his immediate release due to his very critical condition. The press release stated that Al-Khamisi suffers from liver cancer and that according to his doctor he is expected to live for only four more months.

Two months ago, Al-Khamisi was transferred from the central prison, Abu Kabir, to Ramleh prison hospital after he was diagnosed with cancer. PCHR demanded his immediate release with Israeli guarantees to provide him with proper medical treatment and freedom of movement to receive medical attention in Israeli hospitals. Furthermore, PCHR holds the Israeli prison administration responsible for the deterioration of Al-Khamisi's health due to its failure to detect his condition earlier. This situation is reminiscent of the case of Yusef El-Areer, who died on June 21, 1998 at Ramleh prison hospital in circumstances also resulting from medical negligence.

July 27, 1998

PCHR issued a press release about Jamal Al-Khamisi's death just four days after his release on July 21 from the military hospital in Ramleh prison due to his deterioration in health. Al-Khamisi was originally detained on September 25, 1989 and was sentenced to 20 years in prison. PCHR had previously criticized the continued detention of Al-Khamisi because of the deterioration in his health. The Centre condemned the practice of detaining sick prisoners and reaffirmed the necessity of the immediate release of all of them. PCHR condemned the fact that Palestinian prisoners are often used as political bargaining chips.

In the press release, PCHR held the Israeli prison authorities and medical administration responsible for the death of Al-Khamisi due to their delay in diagnosing and treating him. This is the second case of death in just over one month. Yusef El-Areer died on June 21, 1998 as a result of medical negligence. PCHR asked for an independent international committee to investigate these two deaths. It also asked the international committee to pressure Israel to release all prisoners, especially those who are ill, to pressure Israel to discontinue its negligence in the case of the Palestinian detainees, and to pressure Israel to cease using them as bargaining chips. Such treatment has harmful ramifications that can lead to the mental and physical deterioration of prisoners and is in violation of the provisions of the Fourth Geneva Convention and other relevant instruments.

September 15, 1998

PCHR issued a press release about a military order placing citizens from the Gaza Strip under administrative detention. On August 31, a military order was issued by Yom Tov Samya, the Israeli Military Commander of the Gaza Strip placing Salah Mustapha Shehada, 45 years old, resident of Beit Hanoun, and father of six children, under administrative detention for a period of six months starting on September 1. Shehada had been serving a 10-year sentence that was due to finish on the final day of August 1998. The administrative detention order was issued against him a few days before the expiration of his term of imprisonment. It is noteworthy that this is the second military order to be issued against Gazans in 1998. On April 23, 1998, Moeyn Abu Fannouneh, arrested at Rafah border on December 30, 1997 was placed under administrative detention for six months just after he had finished a term of four months in prison. He was released on July 1 after an appeal by attorney Tamar Peleg. Another military order was issued against Ashraf Qandil, a resident of Gaza who had been detained on October 2, 1998 while leaving Gaza through the Rafah crossing point. Qandil served a six-month term of administrative detention between November 1997 and April 1998. After a period of interrogation and torture by the security services, there was no proven accusation against him, yet his detention period was renewed on November 19, 1997.

October 5, 1998

PCHR issued a press release about the death of Palestinian prisoner, Ahmed Asfour, in an Israeli jail. Asfour was reported dead on October 4, 1998 at Soroka Hospital in Israel. On September 28, his family received a call from a prisoner at Beersheva prison who told them that Asfour had attempted suicide and was transferred to the hospital. On October 1, an ICRC representative visited him in hospital and said he found him unconscious. On October 4, ICRC communicated that he had died.

Asfour was a resident in Yemen and came on a visit permit to Gaza in October 1995 and did not leave the area in due time. On December 9, 1997, he was detained by Israeli authorities while attempting to enter Israel without a permit in order to work. He was sentenced to six months in jail. This period should have finished on June 16, 1998, but since then he has remained in prison. PCHR considers Israeli authorities responsible for this death as after June 16 he remained in prison illegally. Taking into consideration similar cases, PCHR does not accept the suicide of Ahmed Asfour as the cause of death and thus urges an immediate investigation of the case.

October 5, 1998

PCHR issued a press release appealing to the international community to put pressure on Israel to release prisoner Yasser El-Muazzen. In its press release, PCHR expressed its deep concern about the ongoing imprisonment of the 25-year-old resident of El-Yarmouk camp in Syria. He was arrested in Lebanon in 1989 by Israel and was sentenced to 25 years in prison.

A few years ago, El-Muazzen was suffering from severe pain and was checked by the doctor and given medication for blood pressure problems. On August 2, 1998, he was transferred to Barzeli Hospital in Israel after his condition deteriorated to the extent that his life was in danger. He was diagnosed as having malfunctioning kidneys and was given blood transfusions three times per week. In spite of this treatment, the prisoner's condition did not improve and he remained in urgent need of a kidney transplant. Despite the fact that many of his fellow prisoners and members of his family were willing to be donors, Israel refused to allow him to have this vital surgery or to release him. He is now at Ramleh prison hospital on a permanent basis due to his life-threatening condition. In addition to this, he is completely disconnected from his family and unable to receive visits from them.

The press release stated that keeping El-Muazzen in prison without allowing him vital treatment is in fact sentencing him to death. The press release demanded that the Israeli government immediately allow this life-saving surgery to be carried out and that he be released from prison. Moreover, PCHR expressed deep concern about the lack of health treatment given to Palestinian prisoners in Israeli prisons. This negligence has in the past resulted in the death of many Palestinians in Israeli prisons.

Accordingly, PCHR appealed to the international community and to international human rights organizations to pressure the Israeli government to allow El-Muazzen's surgery and his immediate release.¹¹

December 6, 1998

PCHR issued a press release expressing its solidarity with Palestinian and Arab prisoners participating in an open hunger strike. On December 5, 1998, Palestinian and Arab prisoners in Israeli prisons began the hunger strike. This is the only choice left to almost 2,500 Palestinian and Arab detainees following the continuation of their imprisonment and the Israeli refusal to release them. Although a peaceful atmosphere should prevail in the area, the Israeli government is putting the entire region in danger as a result of its policies. These policies are contrary to the spirit of peace and violate the basic rules of international law. The press release maintained that the release of the prisoners should be one of the main outcomes of the

¹¹ Although the health of the detainee has deteriorated, he is still under arrest.

peace process. As a result of the end of the state of war between Israel and the PLO, there is no justification for the continued incarceration of Palestinian prisoners. The entire file of Palestinian political prisoners should be closed forever if there is to be any chance of real peace. Moreover, the press release asserted that the lives of the prisoners are at risk as many of them are already gravely ill. The Israeli policy of refusing to release them from prison means that Israel will keep them as hostages for political bargaining. The press release asserted its full support for the just demands of Arab and Palestinian political prisoners and added that they should be immediately released without being subjected to any further bargaining. In addition, it held the Israeli government fully responsible for all consequences related to the ongoing hunger strike. At the same time, it demanded that the U.S. government, if it wants to be effective in pushing the peace process forward, should endeavor to ensure the full and immediate release of Arab and Palestinian prisoners.

The Settlements, the Settlers' Practices, and the Settlers' Protection by the Occupation Forces in the Gaza Strip

The number of Israeli settlements in the Gaza Strip is 18. Some of these settlements have no more than 10 people in them. The total number of settlers in the Gaza Strip is 5,000 and most of the settlements are situated in strategic locations such as those having areas with water resources and fertile land. The existence of the Israeli settlements in the Occupied Territories is an illegal one imposed by Israel through its control of the area in the last three decades. In addition to manipulative Israeli practices to control Palestinian private property and to control the property of citizens who were outside the OPT before 1967 or who were forced to leave the country after that day (this land became known as absentees' property and is subject to control by Israeli forces), Israeli forces allocated public land for settlements instead of making it available to serve Palestinian civilians in the OPT. No one can argue either at a local or international level that these are illegal measures and constitute a challenge to UN resolutions and international law with regard to the settlements.

In fact, the Israeli settlement activities and the blocking of these activities in the OPT was one of the basic requests for the continuation of the peace process that took place in Madrid in 1991. According to Article 31 of the Interim Israeli-Palestinian Agreement in the West Bank and Gaza Strip signed in Washington on September 28, 1995, neither party can take unilateral action that may influence the status of the West Bank and Gaza Strip in the interim period until that status is decided in the final status negotiations. Israel did manage to protect its own prior unilateral and illegal settlement activities by having the Agreement stipulate that settlements would not be a subject for discussion until the final status negotiations. Consequently, more than 150 settlements in the Occupied Territories were kept off the negotiating table. It was thought to be

understood, however, that no new settlement activities would be carried out in the Occupied Territories.

The Israeli authorities have never committed themselves to freezing the settlements. In August 1996, the Likud government, one that is still in power, decided to cancel the decision to freeze settlements which had been taken by the Labor government in June 1992 under international pressure.¹²

The government of Israel continued expanding settlements and establishing new ones and establishing bypass roads to connect the settlements to Israeli land, claiming that such bypass roads were necessary within the context of the Israeli redeployment process. For this purpose the Israeli forces continue to confiscate and steal Palestinian land.

In the last few years the Israeli settlement activities led to many clashes with Palestinians in various areas who reject settlement policy. In addition, the peace process reached an impasse on many occasions before the two sides returned to the negotiating table after interventions from the American administration. In all the agreements reached, the two sides agreed that no one would take any unilateral measures that might influence the final status negotiations. Important affirmations regarding unilateral measures were made in the Wye River Memorandum that was signed in the White House by PA President Yasser Arafat, Israeli Prime Minister Binyamin Netanyahu, and American President Bill Clinton on October 23, 1998. Yet before the ink was dry, Prime Minister Netanyahu and Foreign Minister Ariel Sharon renewed their commitment to settlement activities. The bulldozers did not stop bulldozing in the West Bank and Gaza Strip.

Settlement Activities in the Gaza Strip in 1998

The Centre continued to follow up and document the settlements and the settlers' activities in 1998. Also documented were the soldiers' activities against Palestinian lands and Palestinian citizens in the Gaza Strip. The most prominent of these measures were the following:

1. On January 3, 1998, two settlers sprayed chemicals on olive trees within the jurisdiction of Rafah municipality at the border between Israel and Sufa entrance. The owner of the land is Abdullah Geroun. This is not the first time that this sort of action has occurred.
2. On January 5, 1998, a number of settlers from Neve Dekalim settlement under strict protection from Israeli soldiers bulldozed 325 dunums of land beside Khan Younis agricultural area, owned by the brothers Mohammed and Mustapha Al-Farra. This sort of action is a first step to exercising control over the land and annexing it to the Neve Dekalim settlement on the

¹² Even the Labor government that made the decision did not commit itself to it. In this regard, see Palestinian Centre for Human Rights, *A Comprehensive Survey of Settlement Activity in the Gaza Strip*, Gaza Strip, 1996.

- west side. On February 12, 1998, a number of settlers from this settlement, with strict protection from the soldiers, tried to surround the area with barbed wire. On May 3, 1998, Israeli bulldozers from Neve Dekalim settlement bulldozed the same land for four days in order to control it.
3. On January 21, 1998, a settler under strict protection from Israeli soldiers bulldozed public lands to the west of Khan Younis, beside Neve Dekalim settlement, as a step to control it.
 4. On February 11, 1998, and under strict protection, an Israeli bulldozer destroyed a wall (24x16 meters) in the agricultural area in Rafah that is owned by Mohammed El-Nada.
 5. On February 20, 1998, an expansion in Tel Gatif settlement took place. In addition, bulldozing occurred on the internal road of the settlement. Moreover, the arrival of military support to Gush Katif settlement was noticed.
 6. On February 20, 1998, olive trees were damaged as a result of being sprayed with unknown chemicals by settlers on the Israeli border.
 7. On March 14, 1998, one of the settlers living in Netzer Hezani settlement attacked a citizen, Mohammed Saied Dahmas, age 17 from Deir El-Baleh. He beat him and stole one of his lambs.
 8. On March 19, 1998, the Israeli soldiers uprooted olive trees planted on Tel Zorub lands. This land is under the threat of confiscation and approximately 50 trees have been affected.
 9. On May 1, 1998, a car driven by a settler in a very fast manner crashed into citizen Hani Salah Abu Hajaj (18 years old from Khan Younis City), while he was walking alongside the road that is used by the settlers. He was killed in the accident.
 10. On May 5, 1998, Israeli military cars and bulldozers destroyed plants and the watering network owned by Suleiman Adil Zorab, 58 years old. This land comprises six dunums and is planted with sweet potatoes at the Rafah seaside. The losses totaled 30,000 NIS.
 11. On May 11, 1998 and under the justification of removing garbage, Israeli bulldozers bulldozed the land beside Kfar Darom settlement in the first step to annexing it to the settlement. The bulldozed land is considered to be public land.
 12. On May 11, 1998, settlers and military bulldozers opened a road parallel to the main road between Khan Younis and the agricultural area of Mawasi. The settlers removed the barbed wire from around Neve Dekalim settlement as a primary step to annexing the land.
 13. On May 14, 1998, Israeli bulldozers bulldozed 15 dunums of land beside Moraj settlement and transferred it to a military installation. These 15 dunums are owned by Rafah resident Hamdan Sultan Munir.
 14. On May 18, 1998, Israeli forces informed Abdullah (75 years old), Faiq (49 years old), and Mohammed Hamed Al Najjar (45 years old) that their land is Israeli state property and they have no right to act upon it. This land is located in Khan Younis agricultural area (Mawasi).
 15. On May 30, 1998, Israeli forces prohibited Naim El-Qidreh, 57 years old, living to the west of Kfar Darom, from building on his land near the

settlement. The soldiers threatened that anything built on the land would be demolished.

16. On June 16, 1998, Israel prohibited the Public Works Ministry workers from building a 600-meter-long wall for the protection of the boats at Rafah beach.
17. On July 7, 1998, Israeli bulldozers from Neve Dekalim settlement, under the protection of five soldiers, bulldozed five dunums in Khan Younis agricultural area. The land is owned by the inheritors of Abdullah Al-Najjar and was bulldozed as a primary step to annex and control it.
18. On November 12, 1998, the settlers of Kfar Darom, located on a public road (Salah Eddin Street), bulldozed in order to establish a new water line along the roundabout road that leads to their greenhouses, located about 1.5 kilometers from the settlement. The water line passes through a yellow area, with a length of 160 meters under jurisdiction of the PA. The Israeli side has not coordinated with the Palestinian side on this issue.
19. On November 17, 1998, an Israeli military car prevented Yusef Othman Sumeiri from improving agricultural land owned by him of 29 dunums in El-Qarara area, along the way to Kossivim inside the green line, claiming that land located within 75 meters of the road is under Israeli security control.
20. On November 19, 1998, a number of Israeli soldiers in a military installation near Tel Zorub removed some apple and guava trees from five dunums of land inside the yellow area alongside the Israeli-Egyptian border. The soldiers also damaged a portion of the water pipes in an area owned by Hamdi Maadi.
21. On November 26, 1998, an Israeli bulldozer, under the protection of Israeli soldiers, bulldozed lands under Israeli jurisdiction, according to the Oslo Accord. This land runs for 50 meters alongside Netzer Hazani settlement. This action is considered as a primary step in opening a new road of one kilometer in length to connect El-Qarara junction and the Palestinian Grinding Companies. This road should be an alternative for the bulldozers that go to and from the Grinding Companies through the Grinders junction leading to Gush Katif settlement.
22. The occupation bulldozers continued their widespread activities, including on approximately 350 dunums of land number 92/5 from lands in Khan Younis alongside Neve Dekalim settlement. These bulldozing activities started on January 5, 1998. After PCHR intervention with the Israeli High Court of Justice the bulldozing activities stopped temporarily. The bulldozing began again on October 29 and continued for the rest of the year.
23. On December 2, 1998, the occupation bulldozers began new bulldozing work and activity on 150 dunums of land located in Rafah Mawasi alongside the north side of Peat Sadeh settlement. This action is a preliminary step for confiscating and controlling the site.
24. On December 6, 1998, the occupation bulldozers undertook bulldozing alongside the road connecting the Gush Katif settlement and the west of

Bedolah settlement (Rafah Mawasi) in an area of approximately 30 dunums located in Rafah Mawasi.

25. On December 6, 1998, an Israeli bulldozer bulldozed land of about five dunums planted with fruit-bearing trees and located alongside the border with Egypt in Tel Zorub area (Rafah).
26. On December 19, 1998, sewage coming from three Israeli settlements (Peat Sadeh, Gan-Or, and Bedolah) flooded 25 dunums of Palestinian agricultural land. The sewage from the Israeli settlements is a major environmental issue in the Gaza Strip. Sewage sites are deliberately placed in close proximity to Palestinian communities and agricultural land. The sites jeopardize the health conditions in these locations.
27. Throughout the year, Israeli occupation authorities continued stealing sand from Mawasi Rafah. During the last two months of the year an abnormally high level of vehicles was noted transferring sand from Gaza to inside Israel through the settlements of Bedolah and Beni Adsunah that are located to the west of Rafah and Khan Younis cities. In addition to its influence in changing the geographical aspects of the land, this undertaking is considered to be part of the organized process of stealing Palestinian natural resources by the Israeli occupation authorities.

Palestinians Murdered by Israeli Settlers in 1998

During 1998 Israeli settlers killed 11 Palestinian civilians in the West Bank and Gaza Strip. In four of these cases, the settlers shot at the civilians while four of the other civilians were stabbed by settlers. Two more Palestinians were killed after they were hit by cars driven by settlers at high speed. Another Palestinian was killed after a settler struck him on the head using a metal instrument.

1. Hani Salah Abu Hajaj (18 years old from Khan Younis)

On May 1, 1998, he was hit by an Israeli settler's car on a road used by settlers.

2. Ahmed Allan Hamed (26 years old from Karyot village to the east of Nablus)

On May 6, 1998, a settler, after an argument with the above-mentioned Palestinian citizen, shot and killed him while the citizen was looking for his sheep near Allala settlement in Nablus area.

3. Khairi Mousa Alqam (51 years old from Jerusalem)

On May 13, 1998, he was stabbed to death by a settler in Jerusalem.

4. Anwar Ibrahim Ali (26 years old from Shufat refugee camp in Jerusalem)

On June 10, 1998, he was stabbed to death by a settler in Jerusalem.

5. Abdul Majid Abu Turki (48 years old from Hebron)

On June 16, 1998, he was attacked by three settlers from the settlement of Hagai near Hebron. He was killed during the attack by a metal bar. He was using a bypass road to return home from work when he was attacked.

6. Eyad Rauhi Karabsa (18 years old from Bitonia)

On September 17, 1998, a settler from inside his car shot the above-mentioned citizen while he was leaving his school and walking to his home.

7. Lina Abu Araam (5 years old from Yatta in Hebron area)

She was hit by a settler who was driving his car at a high rate of speed on a road leading to settlements in Yatta area on October 20, 1998.

8. Khalil Ibrahim Akhshimat (44 years old from Anata in Jerusalem)

On October 26, 1998, he was stabbed to death by a settler in Jerusalem.

9. Muhammad Suleiman Zalmot (70 years old from Nablus)

On October 27, 1998, a settler from Itimar settlement near Nablus shot him while he was picking olives on his land located beside the settlement.

10. Osama Mousa El-Natsheh (40 years old from Jerusalem)

On December 2, 1998, he was assassinated by an Israeli settler with a knife while he was leaving his house in the morning in Atauri camp in Jerusalem.

11. Nasser Erekat (17 years old from Jerusalem)

On December 7, 1998, a settler shot him during a demonstration organized by Palestinian youth supporting the Palestinian detainees in the Israeli jails. He was in the hospital for two days on life support before his death.

Press Releases about Settlements and Settler Activities in the Gaza Strip

January 24, 1998

The Centre issued a press release about the stepped up rate of settlement activity in the Gaza Strip. Late at night on January 21, 1998, in a serious escalation of tensions, Israeli bulldozers accompanied by Israeli troops bulldozed land in the west of Khan Younis refugee camp close to the eastern part of Neve Dekalim settlement. Bulldozing is the first step before confiscating the land and annexing it to the settlement. On January 5, 1998, Israeli troops also bulldozed land in El-Mawasi area in Khan Younis, again to the east of Neve Dekalim.

Later, expressing their denunciation of the bulldozings, many people gathered in the area. Clashes soon erupted between the people and Israeli soldiers at around 1:30 p.m. on January 22, 1998. The Israeli soldiers opened fire on the demonstrators. They used rubber bullets, live ammunition, tear gas, and noise bombs. The confrontation, lasted until 4 p.m., and resulted in the injury of three Palestinians by rubber bullets, as well as another injury by an exploding noise bomb. In the afternoon of January 23, 1998, a clash between the Israeli occupation forces and Palestinians began again. The Palestinians held a demonstration in order to convey that they would not passively let their land be stolen. The Israeli occupation forces used force against the Palestinians. Five Palestinians were injured. One, Ismail Fathi Salama Wadi, who was only 17 years old, was seriously injured when a bullet penetrated his stomach. His pancreas and liver were badly damaged. Wadi was transferred to Shifa Hospital,

where surgery was immediately performed. At the time of the press release he was still being treated in the hospital.

The press release stated that bulldozing of new land in Khan Younis, in order to expand the existing settlements, is a grave violation of international law and will undoubtedly increase tension in the area. Moreover, the Israeli occupation forces have used force excessively against Palestinian civilians. Nine Palestinians were injured in the two days of confrontation, two of which were serious cases, and five of which were children. The shooting took place when the lives of the soldiers were not in serious danger, and when the demonstrators were but two meters away from the soldiers. This escalation – the bulldozing of new Palestinian land and the attack against Palestinian civilians – reaffirmed that human rights in the West Bank and Gaza Strip are being flagrantly violated by Israel. Therefore, the Palestinian Centre for Human Rights demanded that the international community take firmer measures against the Israeli government. Such measures should compel Israel's obedience to international law and principles. They should guarantee protection of Palestinian civilians and their property.

February 4, 1998

The Centre issued a press release about the recent development regarding its attempt to stop the bulldozing activities that were carried out by the Israeli occupation forces in Khan Younis City. The Centre asked Israeli lawyer Andre Rosenthal to appeal for the Israeli government properties representative to stop the work of bulldozing and confiscating and to get out from land that is owned by Al-Farra family in the agricultural area in Khan Younis City beside Neve Dekalim settlement. The appeal was based on documents that proved the ownership of Al-Farra family of the land and disproved the Israeli claim that the land lacked ownership and was a government property. The Palestinian Centre at an earlier time had appealed to the Israeli legal advisor of the Gaza Strip and to the interrogation units of the Israeli High Court asking for a cessation to the bulldozing activities. These bulldozing activities came within the context of a series of steps being carried out by the occupation authorities to step up the confiscation waves of Palestinian land and to intensify the settlement activities in it. Accompanying this wave of land confiscation was an angry reaction from the Palestinian people who organized demonstrations to protest the bulldozing and confiscating of land. Clashes between the Israeli occupation forces and Palestinian civilians took place.

December 12, 1998

The Centre issued a press release stating that the Israeli occupation forces have stepped up their activity concerning the settlements in the Gaza Strip. Wide-scale bulldozing can be witnessed in various areas of the Gaza Strip, especially close to the settlements in the agricultural areas (Khan Younis and Rafah City) and the area of Tel Zorub, which lies close to the Egyptian border. There are 18 Israeli settlements in the Gaza Strip, in which approximately 5,000 settlers live. It is clear that Israeli settlement activity has taken on a new life, especially after the signing of the Wye River Memorandum on October 23, 1998. The Palestinian Centre for Human Rights has been following up this activity and its observations have been mentioned above.

In the press release, PCHR expressed its deep concern about the stepping up of settlement activity in the Occupied Palestinian Territories and called upon the international community to take immediate measures to stop these illegal Israeli practices. Five years have passed since the start of the peace process and Israel still has control of approximately 40 percent of the land in the Gaza Strip and approximately 90 percent of the land in the West Bank. Israel attempts daily to change the geography of these two areas and to guarantee its control of them. The policies of land confiscation and settlement expansion are considered the most dangerous of Israeli practices and its starkest violations of international law and the Fourth Geneva Convention. The overall aim of these policies is to prevent the Palestinians from obtaining the right to decide their own future, from controlling their land, and from building their state.

The Excessive Use of Force and Extra-judicial Killings

The year witnessed a notable increase in the excessive use of force by the occupation forces against Palestinian civilians in all areas of the Occupied Territories. In circumstances that posed no threat to their lives, the occupation soldiers shot live ammunition toward civilians participating, most of the time, in peaceful demonstrations against Israeli practices and measures. Sometimes the shots were fired toward civilians in peaceful and quiet circumstances. For example, on March 10, 1998, the occupation forces killed three Palestinian workers and injured five of them after shooting live ammunition toward a Ford van that the workers were driving home in after their day's work in Israel. Among the cases of shootings, there is one case in which the *musta'ribeen* (Israelis disguised as Arabs) killed two people being followed by the Israeli soldiers. The brothers Imad and Adel Awadallah were killed in this way on September 10, 1998.

The event witnessed on May 14, 1998 on the 50th anniversary of *Al-Nakhba*, in addition to the events that were witnessed in the West Bank in December 1998 on the 11th anniversary of the *Intifada* were two of the most prominent examples of the increase in the excessive use of force in the Occupied Territories. On the 50th anniversary of *Al-Nakhba*,

Palestinians organized peaceful demonstrations that were transformed into bloody clashes after the occupation forces intervened and fired on the participants. As a result, five of the Palestinian civilians were killed and more than 300 were injured, some severely.¹³ In December events, the occupation forces killed civilians and injured more than 500. Some of the injuries were very severe.

As a result of shootings by the Israeli occupation forces toward Palestinian civilians, the number of people killed increased to reach 23 people in 1998. Seven of them were from the Gaza Strip (among these seven citizens were an Egyptian citizen and a girl who died after being critically shot in her head ten years ago). Sixteen citizens from the West Bank were killed, including a 13-year-old child and a 45-year-old woman.¹⁴

Palestinians Killed by the Israeli Occupation Forces in Gaza in 1998

1. Eid Hassan Al-Manie' (33 years old from Al-Sheikh Zwiad in Egypt)

On March 6, 1998, a soldier in an Israeli military car shot the mentioned citizen and his three companions near the border with Egypt while they were trying to cross the border. Eid was killed in this incident.

2. Ashraf Sabri Abu Arram (20 years old from Rafah)

The Israeli soldiers shot him in the head near Moraj settlement while he was participating in a popular demonstration in memory of *Al-Nakhba* on May 14, 1998.

3. Zamil Sattam El-Waheidi (53 years old from Jabaliya and a father of 14 children)

He was fatally shot in his chest by Israeli soldiers while doing his work of helping and serving the injured people in Erez area during the events of *Al-Nakhba* day on May 14, 1998.

4. Samir Issa Fayyad (35 years old from Beni Suheilah and the father of 10 children)

He was fatally shot in his head near an Israeli military installation at the road conjunction that leads to Gush Katif settlement to the north of Khan Younis. The mentioned citizen was participating in a demonstration in memory of *Al-Nakhba* on May 14, 1998.

5. Mohamed Arafat Juneid (20 years old from Jabaliya)

He was shot from inside Netzarim settlement in the north of the Gaza Strip. He was fatally shot in the throat while participating in a popular demonstration on May 14, 1998 marking *Al-Nakhba*.

6. Rafat Mohamed Al-Bardawil (23 years old from Khan Younis)

On June 1, 1998, the Israeli soldiers shot the mentioned citizen with live ammunition and fatally injured him in his chest. According to Al-Shifa Hospital's medical report the bullet was of the explosive kind and led to

¹³ For more information, see the Centre's press release on pages 36-37 of this report.

¹⁴ This number does not include the number of citizens who were killed by settlers. In this regard, see pages 30-31.

fragmentation in his left lung, heart, and intestines. The incident took place near Moraj settlement, close to Rafah City.

7. Lulu Abu-Dahi (16 years old from Rafah)

On December 2, 1998, she died after suffering for nearly 10 years from a bullet injury to the head by the Israeli occupation forces on February 25, 1989. The wound rendered her unconscious and the medical report stated that she had a “right frontal bone fracture with a bullet, localized, in the left fronto-parietal region with extensive brain injury. She was admitted to the pediatric intensive care unit for six weeks, during which time she underwent two craniotomies for the extraction of the bullet. A brain CT-Scan done later on the 13.07.1989 showed a diffuse hypodensity of the right hemisphere, and of the fronto-parieto-temporal lobes of the left hemisphere. She was discharged home on the 02.12.1989.” Lulu then suffered from spastic quadriplegia with deformity of both upper and lower limbs, was aphasic, disoriented, and able to communicate only with her eyes. She needed to be under supervision and nursing care 24 hours per day until her death on December 2.

Palestinians Killed by Israeli Forces in the West Bank in 1998

1. Adnan Jibril Abu-Zidneid (34 years old from Hebron)

On March 5, 1998, the Israeli occupation soldiers opened fire against a Ford transit vehicle transferring Palestinian workers while they were returning from their work in Israel. The incident took place at a checkpoint for the occupation forces to the west of Tarqumiya village. In the incident, three Palestinian workers were killed, including the citizen Abu-Zidneid, and five were injured. The Israeli soldiers were temporarily held and then released.

2. Ghalib Moussa Rajoub (35 years old from Hebron)

He was killed in the above-mentioned incident.

3. Muhammad Shahda El-Shrawna (26 years old from Hebron)

He was killed in the above-mentioned incident.

4. Samer Bassam Karamah (13 years old from Hebron)

On March 10, 1998, he was fatally shot by the Israeli soldiers in his head while returning to his house from school at Bab Elzawia in Hebron. The area had witnessed clashes between the occupation forces and civilians in protest over the killing of civilians in the above-mentioned incident to the west of Tarqumiya village. Samer was moved to El-Ahli Hospital in Hebron and put on life support until his death on March 17, 1998.

5. Mohie Eddin Al-Sharif (32 years old from Beit Hanina in Jerusalem)

On March 29, 1998, he was found dead near a car that blew up in the industrial zone in Ramallah. Al-Sharif was the number one wanted man by the Israeli authorities as he was accused of being the leader of the military wing of Hamas. Hamas leadership accused the Israeli intelligence service of his assassination.

6. Bilal Muhammad Naji (25 years old from Beit Hanina in Jerusalem)

On April 6, 1998, Israeli soldiers shot him dead while he was driving his car near Qalandia refugee camp.

7. Ismail Shehada (22 years old from Qalandia refugee camp)

He was shot and killed by a bullet to the head during a demonstration in memory of *Al-Nakhba* on May 15, 1998.

8. Kamila Muhammad El-Nazer (45 years old from Shufat refugee camp in Jerusalem)

On September 10, 1998, this citizen died as a result of a shooting by a bullet to her throat, after a group of young men threw stones at Israeli occupation forces near Shufat camp.

9. Adel Awadallah (31 years old from El-Bireh)

Special units from the occupation forces killed him and his brother after these units closed and surrounded the house in which he and his brother were staying in Hebron area.

10. Imad Awadallah (29 years old from El-Bireh)

He was killed in the above-mentioned incident.

11. Zahran Zahran (35 years old from Ramallah)

On September 17, 1998, the car which he was driving with two companions was blown up by spies associated with Israeli intelligence forces.

12. Amjad Jamal El-Natsheh (21 years old from Hebron)

He was shot by the Israeli occupation forces on October 8, 1998 during a demonstration which took place in Hebron.

13. Jihad Ayyad (17 years old from Silwad)

He was shot by the Israeli occupation forces on December 9, 1998, the 11th anniversary of the *Intifada*.

14. Muhammad Ismail Amr (18 years old from Qalqilya)

He was shot and killed by the Israeli soldiers on December 11, 1998. He was shot in the head during his participation in a demonstration supporting the Palestinian detainees in Israeli jails.

15. Kamal Mansour Adwan (21 years old from Qalqilya)

He was shot in the head during the above-mentioned incident.

16. Muhammad Dawood (19 years old from Beit Daqqa in Ramallah)

He was shot by the Israeli occupation forces on December 17 during a demonstration in Al-Balua area to the north of El-Bireh.

Press Releases by PCHR on the Excessive Use of Force by Israeli Forces

May 14, 1998

PCHR issued a press release during the bloody events witnessed in the Occupied Territories commemorating the 50th anniversary of *Al-Nakhba*. The press release mentioned that the Israeli soldiers shot dead five Palestinian civilians in the Gaza Strip and injured 52 others, some severely. The Israeli forces used excessive force against peaceful Palestinian demonstrators in different areas of the Gaza Strip.

In the press release, PCHR condemned the Israeli reaction to the peaceful demonstrations and maintained that Israeli forces bear complete responsibility for this situation and for the arbitrary use of excessive and deadly force against Palestinian civilians – force which led to the death of five citizens, including one person from a medical team.

May 16, 1998

PCHR issued a press release updating the Israeli use of excessive force during the 50th anniversary of *Al-Nakhba*. According to the press release, four Palestinian civilians were killed in the Gaza Strip by the bullets of the Israeli occupation forces during confrontations which erupted Thursday, May 14, 1998 throughout the Occupied Territories in commemoration of *Al-Nakhba* – the uprooting of the Palestinian people from their homeland in 1948. During these confrontations, 71 Palestinians in Gaza were injured (46 by live ammunition, 25 by rubber-coated metal bullets), among them five from the Palestinian security forces. Many of the injuries were critical and 17 injured remained in hospitals at the time of the press release, including three in the intensive care unit in Al-Shifa Hospital in Gaza. Scores of citizens were treated in the field for injuries related to inhalation of tear gas; 20 were transferred to hospitals.

According to the press release, the injury totals were as follows:

1. Number of injuries in the upper body: 52
2. Number of injured under 18 years of age: 29

The field workers of PCHR reported snipers from the Israeli army shooting at civilian demonstrators and causing four deaths, a clear sign of the excessive use of force with the intention to kill. This was also made clear by the deadly shooting of a member of the medical personnel, in his formal uniform, carrying out his work.

May 19, 1998

PCHR issued a press release in response to an announcement from an Israeli military spokesman stating that the Israeli occupation forces used snipers against demonstrators, during a popular demonstration in commemoration of *Al-Nakhba*, who constituted a danger to Israeli soldiers. The press release concludes that this statement confirms the information provided in press releases from PCHR on May 14 and 16 stating that the Israeli occupation forces used lethal and random force against Palestinian civilians, resulting in the death of five Palestinians, four from Gaza and one from the West Bank, and the injury of more than 300 Palestinians.

In addition to this, the press release affirmed that the use of snipers by the Israeli occupation forces constituted official license for the willful killing

of Palestinian demonstrators. The Israeli soldiers opened fire with the intent to kill, leading to the death of five Palestinian civilians. Such willful killing of unarmed civilians is in direct violation of the provisions of the Fourth Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War. This Convention absolutely prohibits willful killing, considering it a grave breach amounting to war crimes, and requiring the international community to bring the perpetrators and their superiors to trial. Moreover, the Israeli occupation forces clearly endeavored to kill as many civilian Palestinians as possible, as evidenced by the fact that 52 out of 71 Palestinians injured in Gaza were shot in the upper part of the body.

June 10, 1998

PCHR issued a press release titled: “Israeli Soldiers Kill a Palestinian Civilian in the Gaza Strip.” The press release mentioned that at approximately 9:00 p.m., Tuesday, June 9, 1998, an Israeli soldier shot dead Ra’fat Mohamed Al-Bardawil, 23 years old, from Khan Younis, near Moraj settlement to the north of Rafah.

PCHR’s field workers reported that an Israeli soldier fired at Al-Bardawil in the chest, resulting in his immediate death according to Al-Shifa Hospital in Gaza, where the body of the dead man was later sent. Al-Bardawil was shot in the left part of the chest by an explosive bullet that wounded both his heart and left lung.

In fact, this incident was reported by PCHR to be part of a systematic escalation of the use of force by Israeli soldiers and settlers against Palestinian civilians. Another civilian, Akram Khalil Abu Armana, age 21 from Rafah, was injured in his left thigh on June 3, 1998 when a settler fired at him near Etsmona settlement in the Rafah area.

In the press release, PCHR strongly condemned the excessive use of force by Israeli soldiers and settlers against Palestinian civilians while rejecting all security justifications mentioned by the Israeli authorities. According to PCHR’s information, Al-Bardawil was unarmed and did not pose any threat whatsoever to the lives of Israeli soldiers who shot at him with the intention to kill. The death of Al-Bardawil, with one bullet to the chest, is clear evidence of this intent to kill.

In the press release, PCHR expressed its strong belief that the very existence of Israeli settlements in Palestinian territories, supported by a heavy presence of Israeli forces, is a major and direct threat to the lives and personal safety of Palestinian civilians, especially in the areas surrounding settlements.

In addition, the press release reiterated PCHR’s call for international intervention to protect the lives of Palestinian civilians in the Occupied

Territories and to put an end to the illegal practices perpetrated by Israeli soldiers and settlers against Palestinian civilians.

December 5, 1998

PCHR issued a press release about the death of a child due to injuries inflicted by the Israeli army during the *Intifada*. The press release mentioned that on December 2, 1998, Lulu Abu-Dahi, a 16-year-old from Rafah, died following almost 10 years of struggling for survival after she was injured by a gunshot wound to the head by Israeli soldiers. Lulu, then seven years old, was injured in the head on February 25, 1989, while she was standing close to her house in Rafah. She was immediately rendered unconscious and the medical report stated that she had a “right frontal bone fracture with a bullet, localized, in the left fronto-parietal region with extensive brain injury. She was admitted to the pediatric intensive care unit for six weeks, during which time she underwent two craniotomies for the extraction of the bullet. A brain CT-Scan done later on the 13.07.1989 showed a diffuse hypodensity of the right hemisphere, and of the fronto-parieto-temporal lobes of the left hemisphere. She was discharged home on the 02.12.1989.” Lulu then suffered from spastic quadriplegia with deformity of both upper and lower limbs, was aphasic, disoriented, and able to communicate only with her eyes. She needed to be under supervision and nursing care 24 hours per day until her death on December 2, 1998.

The press release added that the tragic story of Lulu reminds us of the heinous crimes perpetrated by the Israeli army during the *Intifada*, and indeed, today. This once again proves the excessive and indiscriminate use of force by Israeli soldiers against Palestinian civilians, even in cases posing no threat to the life of those soldiers. This was certainly the case with Lulu Abu-Dahi, a small child, posing no threat to anyone.

The Practices of the Israeli Navy against Palestinian Fishermen

During 1998 the Israeli Navy continued its violations of the rights of Palestinian fishermen, thus depriving them of their basic right to work. Approximately 2,500 Palestinians earn their livelihood through fishing or maintaining the equipment associated with fishing. These 2,500 fishermen are distributed in different areas throughout the Gaza Strip and use approximately 750 fishing boats. Fishing as a livelihood feeds approximately 4,000 families in the Gaza Strip.

According to Palestinian-Israeli Interim Agreements signed in May 1994 and September 1995, the Palestinian fishermen have the right to go to sea toward the west for a distance of 20 nautical miles. The Israeli government in a decision violating this right decreased the distance and imposed a sea closure on March 8, 1996. On March 11, 1996, the Israeli authorities

announced an easing of the closure and allowed the fishermen to go to sea up to only six nautical miles. This number increased to 12 nautical miles on March 22, 1996. From that date, the Palestinian fishermen have not been allowed to go along the sea as was agreed between the Palestinian and Israeli side. Therefore, they are barred from their right to fish deeper and more abundant fishing locations. Moreover, the Palestinian fishermen are subjected to significant rights violations by the Israeli forces. These Israeli violations stem from the desire to keep all the boats and equipment of Palestinian fishermen hemmed in along the coast. Israel has stolen Palestinian equipment and even gone so far as to fire on Palestinian fishermen. This, of course, has significant economic implications.

During 1998 most of the Israeli violations were concentrated in Khan Younis and Rafah as the beach of these two areas is located within the yellow area that is regarded as being under Israeli security control. In addition, the coastal borders of Rafah City extend to Area M which extends in width for one mile from the Egyptian border toward the north. Fishing in this area is absolutely prohibited.

Shooting Fishermen and Their Boats

PCHR documented four cases of Israeli shootings directed at Palestinian fishing vessels during 1998. These four cases did not result in any injuries to fishermen. The Centre believes that the shootings were carried out in order to frighten the fishermen and force them out of the sea. In all four of the cases the fishing boat was fishing within the 12-mile area determined by the Israeli occupation authorities.

1. On January 12, 1998, the Israeli Navy shot at Abdel Hadi Al-Kun and his son, Ahmad, from Rafah, while they were in their boat in the area that is allowed for fishing. The two fishermen escaped to the harbor, but the Israeli Navy followed them and attacked Mahmoud Al-Kun and his mother who were waiting for their relatives Abdel Hadi and Ahmad.
2. On January 22, 1998, the Israeli Navy shot toward fishermen Ibrahim Al-Bardawil and Ayman Al-Bardawil while they were in their boats in an area allowed for fishing at the Khan Younis beach. The two fishermen attempted to escape but the Israelis continued to fire on them even after they arrived at the beach. The two fishermen were arrested and held in a joint Palestinian-Israeli military installation.
3. On April 10, 1998, an Israeli Navy ship stopped Palestinian fisherman, Jamal Hamed Basaleh, in front of Rafah beach. After examining his license, the Israeli Navy allowed him to leave. After 30 minutes, another Israeli Navy ship asked him to show his license for fishing. Once the Palestinian fisherman told the Israeli Navy crew that the crew of another

ship had already examined his license, the Navy began firing heavily at the Palestinian fisherman's boat (causing damage to it).

4. On September 8, 1998, shots were fired at fishermen Hassan Al-Habeel, Rami Abed El-Muti Al-Habeel, Muhammad Al-Habeel, and Jamil and Zakharia Bakr while they were at their boat close to the north border of the Gaza Strip, within the area that is allowed for fishing. They escaped to the harbor.

Arresting Fishermen at Sea

The Israeli Navy continues to arrest Palestinian fishermen at sea and move them to Ashdod Harbor inside Israel. Normally, these fishermen are subjected to interrogation before the intervention of the joint Palestinian-Israeli forces. During 1998 the Centre documented six cases in which 13 fishermen from the Gaza Strip were arrested.

1. On January 12, 1998, the fishermen Salah Abu Rialah and Mahdi Abu Rialah from Rafah were arrested and had their boat moved to Ashdod Harbor in Israel.
2. On January 13, 1998, the fisherman Fouad Al-Habeel from Gaza was arrested and his boat was moved to Ashdod Harbor.
3. On January 18, 1998, two fishermen, Khalil Al-Bardawil and his son Mahmoud Al-Bardawil, were arrested in front of the Khan Younis beach and their boat was moved to Ashdod Harbor. The two fishermen were released on the same day, but only after they had been interrogated and beaten. The boat was held by Israel until February 25, 1998.
4. On January 19, 1998, the fisherman Sae'd Al-Habeel was arrested after shots were fired at him.
5. On May 1, 1998, an Israeli Navy vessel came very close to a Palestinian boat which carried a group of Palestinian fishermen. After examining the fishing license of the boat, the Israeli Navy vessel ordered the fishermen Jamal Basaleh, Issam Al-Nada, and Rizq Al-Balawi to get into the Israeli ship. They were then arrested.
6. On May 27, 1998, an Israeli vessel at a distance of 10 miles from the beach of Khan Younis fired at two Palestinian fishing boats holding the fishermen Abed Isaa' Olwan, his brother Shukri, his son Eyad, and his cousin Khamees Muhammad Olwan. The Palestinian boats were then connected to the Israeli ship and taken into Israel. In front of Ashkelon beach Israeli vessels ordered the fishermen to get in the Israeli ship. They then proceeded to beat them. The Israelis then sank the two boats.

Capturing Palestinian Fishing Boats

During 1998 the Centre documented three cases of capturing Palestinian boats by Israeli Navy vessels.

1. On January 2, 1998, the boat of the fishermen Salah Abu Rialah and Mehdi Abu Rialah was captured and moved to Ashdod Harbor.
2. On January 3, 1998, the boat of the fisherman Fouad Al-Habeel was captured from Gaza and moved to Ashdod Harbor.
3. On January 18, 1998, the boat of the fisherman Khalil Al-Bardawil was captured and moved to Ashdod Harbor until February 25, 1998.

Attacking Palestinian Fishing Wharfs

The year witnessed six cases of attacks on fishing wharfs. In some of these cases the attacks involved the beating of the fishermen.

1. On January 12, 1998, an Israeli sea force attacked the Rafah fishing wharf after following fishermen Abdel Hadi Al-Kun and his son Muhammad. The attack involved beating Mahmoud Al-Kun and his mother who were waiting on the shore for the other two. Mahmoud was suffering from a psychiatric problem at the time.
2. On January 18, 1998, five Israeli military vehicles descended on Rafah wharf. The Israeli soldiers tried to arrest fishermen Ismail and Ali Al-Bardawil, but the intervention from the Palestinian side of the joint Israeli-Palestinian forces prevented their arrest.
3. On January 18, 1998, the Rafah wharf was raided by the Israeli occupation forces. The Israeli soldiers attacked and beat the fishermen Musalem Abu-Shalouf and Muhammad Abdel Hadi Al-Kun.
4. On January 19, 1998, the wharf was raided once again by the Israeli occupation forces, and the soldiers tried to arrest fishermen Jamal and Mohammed Basaleh, but the intervention of the joint Israeli-Palestinian Committee prevented their arrest.
5. On January 22, 1998, the Israeli soldiers attacked Rafah wharf and fired at the buildings of the fishermen.
6. On January 30, 1998, Israeli soldiers attacked Rafah wharf and beat fishermen Ibrahim and Ayman Al-Bardawil.

Cutting Nets and Damaging Fishing Equipment

1. On January 16, 1998, the nets of the fishermen Omar and Wael Al-Bardawil from Rafah were cut and confiscated. The Ministry of Agriculture estimated the losses to be 2,000 NIS.
2. On January 18, 1998, the net of fisherman Jamal Basaleh from Rafah was cut by the Israeli occupation soldiers. The Ministry of Agriculture estimated the losses to be 600 NIS.
3. On August 2, 1998, the nets of fishermen Musalem and Husam Abu Shalouf from Rafah were cut.

Arbitrary Orders to Leave the Sea

1. On March 14, 1998, a boat owned by Jamal Basaleh was stopped and ordered by the crew of the Israeli ship to be attached to the Israeli vessel. It was then towed inside Israel. The Palestinian boat was held from 4 p.m. to 8 p.m. The Israelis then ordered the fishermen to take the boat back to Gaza.
2. On April 16, 1998, an Israeli ship blocked the boat of the fisherman Mazen Basaleh close to Rafah beach and asked the fishermen on it to show their licenses. After that, the Israeli ship ordered the Palestinians to leave the sea without clarifying why. The boat was denied access to the sea for two weeks.

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

Palestinian Security Forces Continue Illegal Arrests of Citizens

The Palestinian security forces continued during 1998 to arrest citizens for political reasons. On numerous occasions these arrests were carried out because of pressure from the United States and Israel as part of the measures that had to be adopted by the PA to fight “terrorism.” These arrest processes normally take the shape of waves in which many citizens are arrested at the same time based on a list of names. At other times, a number of citizens are arrested because of their political opinion or because of their criticism of the PA. Most of the arresting waves in 1998 were aimed at the leadership and supporters of the Islamic movements that oppose the peace process and interim agreements. In addition, these arrest processes were aimed at political activists and at supporters of the nationalist secular groups and parties that oppose the peace process and Interim Agreements as part of their political perspective. On more than one occasion the Palestinian security forces arrested journalists and held them for a few hours.

During 1998 the Centre followed up on the cases of the PA detainees’ files. More than 400 citizens were arrested in the Gaza Strip with periods of arrest ranging between a few days and an unlimited time period. In some cases the same person was arrested more than one time.¹⁵ The Palestinian security forces do not hesitate to arrest entire families as a kind of pressure against one of the family’s wanted sons in order to force him to turn himself in to the security forces.¹⁶

¹⁵ For example, on April 7, 1998, the Palestinian police arrested Abdullah Ahmed Al-Shami (41 years old from Gaza who is considered to be a leader of Islamic Jihad in the Gaza Strip). Al-Shami was arrested in relation to the assassination of Mohie Eddin Al-Sharif and because of his speech on the day of Eid Mubarak about corruption in the PA. He was released on April 13, 1998. On August 18, 1998, he was arrested once again through the police department’s office of criminal investigations as a result of publishing an article in the weekly newspaper *Al-Istiqlal* in which he criticized the PA and the new governmental reform going on at that time. He was put in solitary confinement and his family and lawyer were not allowed to visit him. He was released on September 27, 1998. On December 14, 1998, he was arrested again, this time as a result of his statements against President Bill Clinton during the latter’s visit to the region. As of December 31, 1998, he remained under arrest.

¹⁶ On March 27, 1998, the General Intelligence Services arrested five members of the Abu Jabr family in Al-Nusiraat refugee camp and arrested another person from the same family on April 2, 1998, as a form of pressure against the family’s wanted son to turn himself in. After the wanted person turned himself in on April 21, 1998, the rest of the family members were released.

On September 26, 1998, the Preventive Security Forces arrested five members from the Fayyad family in El-Qarara, including a 70-year-old man, until the family’s wanted son turned himself in. Four of the detainees were released on September 30, 1998, while the fifth detainee was released one month later.

Most of the waves of arrests are considered to be illegal since they took place without warrants from the Attorney General's office. The detainees were not allowed access to the judiciary for official renewal or extension of their period of arrest, and they were not confronted with any clear charges. In addition, the detainees are barred from their right to have a defense lawyer and a fair trial. In a few cases the arrest of the individual continues although there is a judicial decision from the highest judicial court to release the detainees. This in itself is considered a dangerous challenge for the rule of law and judicial independence.¹⁷ By the end of 1998 there were approximately 90 detainees in the prisons and arresting centers that are related to the security forces department of the PA. Some of these detainees were arrested in March 1996 and still have not been brought to trial.

The arresting waves that have been carried out by the PA security forces took a new direction after the signing of the Wye River Memorandum on October 23, 1998. A house arrest was imposed on the spiritual leader of the Islamic Resistance Movement (Hamas),¹⁸ Sheikh Ahmed Yassin. New waves of arrests were carried out against the Islamic and secular opposition due to their criticism of the Wye River Memorandum.

The most important arrest waves that were carried out by the security forces in 1998 were as follows:

1. In the period between January 21-23, 1998, the Intelligence Security Forces arrested 15 persons from the supporters of the Hamas Movement in Al-Shati refugee camp. Thirteen of them were students. These 15 citizens were gradually released in the period between January 30 and February 18, 1998.
2. On April 2, 1998, the Internal Investigation Office arrested six citizens from the supporters of the Islamic Jihad Movement in Jabaliya refugee camp. Five of them were students at the secondary school level. These arrests were the result of their writing graffiti on a wall. Four of them were released on April 30, 1998, while the other two detainees were released on May 28, 1998, without being brought to trial.
3. On April 13, 1998, the Criminal Investigation Office arrested five supporters of the Popular Front for the Liberation of Palestine (PFLP) from Rafah and Nusiraat for distributing a press release for the PFLP. They were

See also the press release of PCHR on pages 60-62 of this report regarding measures taken by Palestinian security forces against the Al-Ghoul family after a family member escaped from prison in Gaza.

¹⁷ For example, see pages 49-50 and 53-56 for information on the case of Dr. Abdel Aziz Al-Rantisi who was arrested on April 17, 1998.

¹⁸ The house arrest was imposed on Sheikh Ahmed Yassin on October 30, 1998 and was removed on December 23, 1998.

released the next day. The same persons were arrested on April 17 and released the following day.

4. In the period between April 9-27, 1998, the Palestinian security forces carried out an arresting wave in different areas of the Gaza Strip as a result of Mohie Eddin Al-Sharif's assassination.¹⁹ The arresting waves included 60 citizens from the supporters of Hamas and Islamic Jihad and included Dr. Abdel Aziz Al-Rantisi and Dr. Ibrahim Al-Maqadma²⁰ who are considered prominent leaders of Hamas in the Gaza Strip. Also, the wave included all nine members of the Student Council in the Islamic University as a result of their organizing a festival inside the University in which a press release of Izz Eddin Al-Qassam (the armed wing of Hamas) was distributed. All of them were gradually released except Dr. Al-Rantisi and Dr. Al-Maqadma. The arrests ranged in length from a few days to seven weeks.
5. During May 1998, the Palestinian security forces arrested nine persons from the supporters of Hamas from different areas of the Gaza Strip due to their affiliation to Hamas and their distributing a press release for it. All of the detainees were released after a period of arrest ranging between a few days and four months.
6. In the period between June 3-18, 1998, the Palestinian security forces arrested 10 citizens due to their affiliation to Hamas and Islamic Jihad. All of the detainees were released after an arrest period ranging between a few days and three months.
7. In the period between July 7-9, 1998, three citizens were arrested for belonging to Hamas and Islamic Jihad. At the end of 1998 two of them were still under arrest in the Preventive Security Department and Military Intelligence Department.
8. Between August 6-30, 1998, the Palestinian Security Forces arrested five supporters from Hamas and Islamic Jihad for a period ranging between three and six weeks.
9. Between September 12-19, 1998, the Palestinian security forces arrested 11 supporters of Hamas and Islamic Jihad. Nine of these 11 were arrested due to their participation in a peaceful demonstration organized by the families of detainees in Palestinian prisons in front of the Palestinian Legislative Council building in Gaza. All of the 11 detainees have been

¹⁹ Mohie Eddin Al-Sharif, who is considered one of the most prominent leaders of Izz Eddin Al-Qassam, the military wing of Hamas, was assassinated in Ramallah on March 29, 1998.

Palestinian leaders declared that their investigation of the case proved that the death of Al-Sharif came as a result of internal competition and fighting between members of Al-Qassam groups. Hamas rejected this and announced its intention to make a private investigation of the issue.

²⁰ For more details about the case of Dr. Abdel Aziz Al-Rantisi and Dr. Ibrahim Al-Maqadma, see pages 49-50 and 53-56.

released except one who remains under arrest. For the others, the arrest periods ranged between a few days and four weeks.

10. Between September 25-26, 1998, the Preventive Security Forces arrested 10 citizens. Six of these citizens are from the same family. Some of these 10 were arrested because they had attempted to enter into Israel. Four of these 10 detainees remain under arrest and have yet to be brought to trial.²¹
11. On October 18, 1998, forces of the General Intelligence Services entered the houses of six citizens and arrested four of them while the other two citizens turned themselves in later. At the end of 1998 two of them remained under arrest.
12. In the period between October 19-24, 1998, the security forces arrested five citizens from the supporters of the Islamic Jihad movement due to their organizing a festival to commemorate the death of Fathi Shiqaqi, the General Secretary for the movement. One of them was released after six days and the other four were released after three weeks.
13. In the period between October 27-31, 1998, the General Intelligence Services arrested seven citizens from Jabaliya camp due to their distributing a press release for Islamic Jihad. They were released on November 16, 1998.
14. In the period between October 29 and November 2, 1998, the Palestinian security forces carried out an arrest wave of 200 supporters and members of Hamas as a result of a suicide operation at Gush Katif settlement conjunction in Gaza. Most of the detainees were gradually released, but by the end of the year more than 30 of them were still under arrest.
15. In the period between November 6-8, 1998, the Palestinian security forces arrested nine citizens from the supporters of the Democratic Front for the Liberation of Palestine (DFLP) and the Popular Front for the Liberation of Palestine (PFLP) due to a popular conference held in Jabaliya on November 6 that criticized the Wye River Memorandum. Most of the detainees were released after a period of arrest ranging between one and four days.
16. On November 23, 1998, forces from the Intelligence Department entered the house of Dr. Nezar Rayan, a lecturer in the Islamic University, and arrested him and his 15-year-old son. In addition, they arrested 10

²¹ Among these detainees was Sheikh Nafez Azzam, one of the most prominent leaders of Islamic Jihad. He was arrested at his house by the Criminal Investigation Office on October 24, 1998, and was released on October 30, 1998.

students who were in his house to use his private library. All the detainees were released between November 24-28, 1998.

17. On December 11, 1998, the Palestinian security forces carried out an arrest wave aimed at the Islamic opposition in the Gaza Strip before the visit of President Bill Clinton to the region. The wave included 40 supporters of Hamas and Islamic Jihad located in different areas throughout the Gaza Strip. The wave focused on Jabaliya and Rafah area. In addition, a number of letters were sent to supporters summoning them to the Preventive Security Department and General Intelligence Services.
18. On December 18, 1998, the Palestinian police arrested four leaders of the PFLP and eight journalists, including the Deputy Secretary General of the Palestinian Journalists' Association. The arrests of the journalists came after they covered a peaceful demonstration condemning the American-British attacks on Iraq. The detainees were released after a few hours, except one who was held until the next day.

Torture and Ill-treatment of Detainees by the Palestinian Authority

A limited number of the political prisoners are subjected to different methods of torture in some detention centers of the Palestinian security forces. The majority of prisoners, however, are not subjected to torture, especially those who are detained in the arrest waves and held without charge or questioning. PCHR reported a decline in the use of torture leading to death in 1998, especially in Gaza where no single death resulting from torture was reported.²² Nonetheless, PCHR received several testimonies from released prisoners that they were subjected to torture. During the interrogation these detainees said they were held in small rooms (2 meters by 1 meter). Among the torture methods mentioned in the testimonies were beatings with plastic wires, beatings with truncheons, hitting with the open hand, beating the bottom of the feet with plastic wires

²² During 1998 two cases of detainees' deaths in West Bank prisons were documented. On February 2, 1998, the citizen Nasser Hussein Al-Harub (28 years old from Dora village in Hebron) died less than six hours after his arrest in the evening of February 2, 1998 in the Criminal Investigation Office in Hebron. Human rights organizations in the West Bank reported that the death was the result of torture and added that they were not allowed by the PA to look at the pathologist's report. On August 9, 1998, the citizen Walid Mahmoud Al-Qawasmi (48 years old from Hebron) died while he was being moved by ambulance from the governmental hospital of Jericho to one of the hospitals in Nablus. Al-Qawasmi was arrested by the Palestinian General Intelligence Services in Jericho on July 26. PA sources reported that he was unconscious as a result of a heat wave. This was also mentioned in the pathologist's report issued by the governmental hospital of Jericho. In addition, the sources mentioned that an investigation committee had been formed to examine the body of the citizen. The PA accepted that the family of the deceased could decide on which doctor would examine the body. In a sworn statement delivered by Nidal Al-Qawasmi, the son of the deceased, he asserted that he was allowed to visit his father on August 7, 1998, at which point his father informed him that he was very tired from the interrogation and torture to which he had been subjected. The son added that it was clear that the health of his father was in a very precarious state and that the signs of torture were clear on his face. Until now, the result of the examination of the body has not been published.

or truncheons, forcing detainees to sit on very small chairs for a long time, depriving them from sleeping, and other methods. The detainees mentioned that they were subjected to cursing and the hair on their heads was shaved.

Legal Aid for the Detainees

The Legal Unit provides help to detainees and their families. Within this context, legal counseling is provided and the unit intervenes on behalf of detainees before the Palestinian authorities, including interventions with the office of the Attorney General. During 1998 the lawyers of the unit followed up 67 different files for the detainees in Palestinian prisons compared to 44 files in 1997. During 1998 the Centre's lawyers visited 27 detainees while they were not allowed to visit the other 40 detainees.

The lawyers of the unit sent 104 messages to the Palestinian Attorney General, as compared with 36 messages in 1997, asking him to explain the reasons for holding and arresting these detainees. The letters asked for permission to visit them and asked for their release. The Centre has received only one response from the office of the Attorney General during the whole year. The response was in regard to the case of Dr. Abdel Aziz Al-Rantisi in which the Attorney General allowed the lawyers of the Centre to visit Dr. Al-Rantisi. The order, however, was not respected by the police, who continued to reject the efforts of the lawyers to visit him.²³

As they represent a number of the detainees, the lawyers of the Centre applied to the High Court of Justice for 10 detainees to be released because of the absence of any legal foundation for their arrest. In one case only, the court decided to release Dr. Al-Rantisi, but the decision was not implemented by the Palestinian police. In three other cases, the court rejected the applications and decided not to hold a trial after it heard the answer of the Attorney General that these people were being held by the State Security Court. In one case, the appeal was rejected even after the prisoner had been released. There were still five cases under investigation by the court at the end of the year.

Press Releases Issued by the Centre Regarding the PA's Detainees

April 13, 1998

PCHR issued a press release criticizing the refusal of Palestinian police to grant access to clients Dr. Abdel Aziz Al-Rantisi and Dr. Ibrahim Al-Maqadma. In the press release the Centre asserted that for the second consecutive day the police denied access to PCHR lawyers Raji Sourani and Iyad Al-Alami to visit their clients despite a special permission issued by the Palestinian Attorney General to visit them.

²³ For more details, see the case of Dr. Abdel Aziz Al-Rantisi on pages 49-50 and 53-56 of this report.

In the press release, PCHR expressed its deep concern over the unjustified denial to visit Dr. Al-Rantisi and Dr. Al-Maqadma, and added that it would continue its efforts to ensure that the lawyers could visit their clients. At the time of the press release, neither of them had been brought before a judge, nor had their file been brought to the Attorney General's Office as required by Palestinian law.

Moreover, PCHR demanded the immediate release of Dr. Al-Rantisi and Dr. Al-Maqadma for the illegal procedures involved in their detention. PCHR called for Palestinian law to be applied correctly.

Dr. Abdel Aziz Al-Rantisi (51 years old from Khan Younis) is a pediatrician and a lecturer at the Islamic University. He is considered one of the most prominent leaders of the Islamic movement in Palestine. He was released by the Israeli occupation authorities in April 1997 after an arrest of more than four years. Also, he was one of the more than 400 Palestinians deported to Lebanon in 1992 by the Israeli occupation authorities (they were sent to the Lebanon border at Marj Al-Zohour). Dr. Ibrahim Al-Maqadma (46 years old from El-Bureij camp) is a doctor working in El-Nasser Hospital in Gaza. He is also considered one of the most prominent Islamic leaders in Palestine.

The press release stated that the arrest of the two came within the context of an arrest wave carried out by the Palestinian security forces that included scores of citizens in the West Bank and Gaza Strip including Abdullah El-Shami, one of the most prominent Islamic leaders in Palestine. He was arrested on April 7, 1998, and released on April 12, 1998. This arrest wave combined with other steps carried out by Palestinian security forces after the Mohie Eddin Al-Sharif killing. Al-Sharif was regarded as being one of the most prominent Hamas activists of the Izz Eddin Al-Qassam, the military wing of the Islamic Resistance Movement. He was killed in Ramallah on April 29, 1998. Palestinian Authority representatives announced that the investigation proved that the assassination of Al-Sharif was the result of an internal fight and competition within the Al-Qassam group. The claim was rejected by Hamas and its supporters. Hamas declared its intention to carry out a private investigation to find out the facts surrounding the case, although it is known that the Palestinian Attorney General is the only one with the authority to investigate such matters.

The Palestinian Centre for Human Rights expressed its deep concern because of the deterioration in the situation in the West Bank and Gaza Strip. The situation's deterioration created an extremely dangerous situation. Therefore, PCHR asked the Attorney General to carry out his role since he is considered to be the only authority with the right to investigate and to deliver statements in such ambiguous cases as the Al-Sharif case. In

addition, the press release asserted that the Palestinian judiciary is considered the best institution for mediating issues such as this one and any other institution, no matter its importance, lacks the right to decide on such issues. Finally, the press release asked for the release of all the Palestinian political detainees in the Palestinian prisons, asked for implementing the rule of law, and asked to ensure that all the measures that are the responsibility of the PA be implemented within the context of the law.

April 14, 1998

PCHR issued a press release stating that for the second consecutive day, Palestinian police denied Raji Sourani and Iyad Al-Alami, lawyers of the Centre, access to visit their clients Dr. Abdel Aziz Al-Rantisi and Dr. Ibrahim Al-Maqadma at the Police Headquarters in Gaza, despite the special visitation permission issued to them by the Palestinian Attorney General.

While PCHR expressed its deep concern over the unjustifiable denial to visit Dr. Al-Rantisi and Dr. Al-Maqadma, it will continue its efforts to ensure that his lawyers can visit their client. At the time of the press release, neither of them had been brought before a judge, nor had their file been brought to the Attorney General's office as required by Palestinian law.

Therefore, PCHR demands the immediate release of Dr. Al-Rantisi and Dr. Al-Maqadma for the illegal procedures involved in their detention.

April 15, 1998

The Palestinian Centre issued a press release regarding a new escalation in the internal situation resulting from the Palestinian security forces arresting members of the Student Council at the Islamic University in Gaza.

The press release stated that in the most recent escalation of the situation in the Occupied Territories, Palestinian security forces carried out a wave of collective arrests directed against all members of the Student Council at the Islamic University in Gaza. On the afternoon of Monday, April 13, 1998, forces of the General Intelligence raided houses throughout the Gaza Strip and arrested nine members of the Student Council at the Islamic University. They are being detained at Al-Mashdal Detention Center, connected to General Intelligence.

The press release asserted that the arrests were carried out in response to a student gathering held at the Islamic University on April 12 from 5 p.m.-10 p.m. At the gathering, a communiqué signed by *Kata'ib Al-Qassam*, the armed wing of the Islamic Resistance Movement, Hamas, was distributed. On Wednesday, April 15, the national and Islamic student blocs at the

university issued a joint press release condemning the arrests and calling for a suspension of study and a sit-in at the university to be held the following Saturday.

PCHR regarded the campaign of arrests as being another escalation in the already deteriorating situation in the West Bank and Gaza since the March 29 assassination of Mohie Eddin Al-Sharif, one of the leaders of *Kata'ib Al-Qassam*. The Centre also considered the arrests to be a violation of academic freedom and demanded the immediate release of all members of the Student Council.

April 29, 1998

The Palestinian Centre for Human Rights issued a press release about the Palestinian High Court of Justice meeting of April 29, 1998. The court met to review applications submitted by advocates Raji Sourani and Iyad Al-Alami of PCHR. The court issued orders for the Attorney General to present reasons for the arrest and continued detention of the two defendants (Al-Rantisi and Al-Maqadma) and granted the Attorney General eight days to respond. At the same time, the court decided to allow the two PCHR lawyers to visit Al-Rantisi and Al-Maqadma until a final decision was reached.

May 21, 1998

The Palestinian Centre for Human Rights issued a press release about the deterioration in health of three Palestinian detainees in the central prison of Gaza as a result of their hunger strike. These three detainees are Ali Khalil Abu Nikira from Rafah, arrested on October 18, 1995, and given a life sentence; Alaa Abdel Hamid Aql, from Rafah, arrested on December 11, 1995, and given a life sentence; Samir Ali Al-Jiddi, from Gaza, arrested on March 4, 1995, and given a sentence of 15 years.

A military court in Gaza City was issued an order on March 10, 1996 to hang Abu Nikira and Aql after they were accused of killing a Palestinian policeman (the order was reduced to jail for life). Notwithstanding the strong rejection by the lawyers of the two that they not be charged in military court, since they are civilians and not soldiers, the military court insisted on its stance of charging them. One of the defendant's lawyers was interrogated while doing his work in the military court. The lawyer was also isolated and he was not able to continue the defense until the Lawyers' Association intervened on his behalf with the military court.

Meanwhile, the third detainee was jailed for 15 years by the State Security Court after he was accused of organizing some young people to execute a suicide operation inside of Israel. The three detainees were moved to the

hospital as a result of their hunger strike and the consequent deterioration in their health.

In its press release, PCHR asked for canceling all the military trials that did not guarantee the minimum level needed for a just trial. PCHR asked to re-try the mentioned three detainees in a civil judicial institution with the right to have a suitable legal defense.

May 27, 1998

PCHR issued a press release about the Palestinian High Court's decision to grant the Attorney General eight days to present reasons for the continued detention of Dr. Abdel Aziz Al-Rantisi.

The Palestinian High Court of Justice convened on May 27, 1998, to consider an appeal presented by lawyers of the Palestinian Centre for Human Rights on behalf of Dr. Abdel Aziz Al-Rantisi who was arrested on April 9, 1998. In their appeal, the lawyers of PCHR demanded that the Palestinian Attorney General present a reason for the continued detention of their defendant and demanded also that he should be released immediately due to the lack of due process in his arrest. The court granted the Attorney General eight days to respond.

During the hearing, the representative of the Attorney General asked the court to extend the period ordered by the court on April 29 to present the reason for the arrest of Dr. Al-Rantisi. The representative justified this demand by saying that the Attorney General did not know about the arrest of Dr. Al-Rantisi, and that he had addressed the concerned bodies to give him reasons for the arrest, but had received no response until then.

PCHR lawyers expressed their surprise before the court with regard to the statement of the Attorney General's representative. Firstly, his written demand to extend the period ordered by the court was signed by the Attorney General, while his post had been vacant since the resignation of former Attorney General, Mr. Fayez Abu Rahmeh in early May. Secondly, the statement provided evidence supporting the Centre's appeal that Dr. Al-Rantisi had been detained illegally as the Attorney General knew nothing about his file.

According to Palestinian law, detainees shall be brought before a judge within 48 hours of their arrest. The law dictates also that the judge may extend the detention of a person up to 15 days, and that no person may be detained for a period of more than 30 days without a written application to the court signed by the Attorney General.

PCHR reiterated its demand for the immediate release of Dr. Al-Rantisi and all prisoners held illegally and in defiance of the rule of law.

June 4, 1998

The Palestinian Centre for Human Rights issued a press release about the Palestinian High Court of Justice decision to order the release of Dr. Abdel Aziz Al-Rantisi.

The press release mentioned that the High Court of Justice had considered an appeal submitted by lawyers from PCHR against the Attorney General's office to clarify reasons for the continued detention of Dr. Ibrahim Al-Maqadma. Headed by Counselor Fayez Al-Qidra with membership of Counselors Hamdan El-Abadlah and Saada Al-Dajani, the court granted the Attorney General's office a final period until June 20, 1998 to provide reasons for the continued arrest.

In the press release, PCHR asserted that it would continue its efforts to ensure the implementation of the court's decision to release Dr. Abdel Aziz Al-Rantisi and would continue working to ensure the release of Dr. Ibrahim Al-Maqadma, both of whom are held illegally by the Palestinian police. PCHR will also continue its work to ensure the release of all Palestinian prisoners held illegally.

June 22, 1998

The Palestinian Centre issued a press release about the Palestinian High Court of Justice decision to dismiss an appeal to release Dr. Ibrahim Al-Maqadma.

On June 20, the Palestinian High Court of Justice (HCJ) dismissed an appeal brought before it by lawyers of the Palestinian Centre for Human Rights against the Palestinian Attorney General's office for failing to provide reasons for the continued illegal detention of Dr. Ibrahim Al-Maqadma. The appeal had also demanded Al-Maqadma's release.

Dr. Al-Maqadma, a prominent figure of the Islamic Resistance Movement in Gaza, was subjected to arbitrary detention by Palestinian police on April 10, 1998, and has not been granted due process before the law. In its session on June 4, 1998, the HCJ granted the Attorney General's office until June 20 to provide reasons for his detention. In a previous ruling, the HCJ granted permission to lawyers from PCHR, who represent Al-Maqadma, to visit him in prison. However, the Director General of the Palestinian police denied prison access to the lawyers despite the HCJ decision.

During the most recent session of the HCJ on June 20 the representative of the Attorney General's office claimed that the detention of Al-Maqadma was carried out in accordance with legal procedures and that Al-Maqadma

is charged with incitement and conspiracy against the PA. The representative also claimed that Al-Maqadma's detention was extended by the State Security Court. The representative called on the HCJ to dismiss the appeal, charging that the HCJ had no jurisdiction over this case which had already been reviewed by the State Security Court.

PCHR expressed its surprise over the recent statements of the Attorney General's office. For the more than two months of Dr. Al-Maqadma's detention, PCHR has continually attempted to elicit the reasons for his illegal detention without any response from the Attorney General's office. Moreover, during this period, the Attorney General's office was unable to provide the reasons for his detention and had also failed to oblige the Palestinian police to provide access for Al-Maqadma's lawyers to visit him.

Since the early days of his detention, the Attorney General's office was not informed of the reasons behind the detention of Al-Maqadma, which prompted PCHR to appeal to the jurisdiction of the HCJ. PCHR is surprised also that the detention of Dr. Al-Maqadma was extended by the State Security Court without the request or the knowledge of the Attorney General's office. PCHR will continue its work to ensure the release of Dr. Al-Maqadma and to continue the inquiry into the legality of his arrest.

July 13, 1998

The Palestinian Centre for Human Rights issued a press release under the heading that nobody has extra-judicial jurisdiction.

In the press release, PCHR strongly condemned the continued illegal detention of Dr. Abdel Aziz Al-Rantisi by Palestinian police, despite a ruling of the Palestinian High Court of Justice more than a month ago to release him. In its session of June 4, 1998 to review an appeal brought by lawyers of PCHR on behalf of Dr. Al-Rantisi against the Palestinian Attorney General, the Palestinian High Court of Justice ordered the immediate release of Dr. Al-Rantisi after the representative of the Attorney General failed to provide the court with reasons for his arrest. Until now he has not been released as the police continue to defy the decision of the court and to operate in an extra-judicial manner without accountability.

On July 1, General Ghazi Al-Jabali, Director General of the Police Department, informed the daily newspaper, *Al-Quds*, that Dr. Al-Rantisi had been arrested in an affair related to public order, in accordance with "laws of crime prevention," because he had breached a prior commitment not to incite or cause public disorder. Al-Jabali added that Al-Rantisi was arrested in accordance with administrative measures and that the case was therefore not subject to the jurisdiction of the High Court of Justice, denying any need to release him based upon the High Court's ruling. On the other hand, Abdul Rachman Abu El-Nasser, head of the Palestinian Bar

Association, rejected Al-Jabali's reasoning not to apply the court decision and stated that it had no legal basis. He further said that the authority of the Director General of the Police Department in this matter was restricted to receiving orders from the head of the Palestinian Authority and from the Attorney General.

In another development, General Al-Jabali was quoted in *Al-Quds* on July 7, 1998 as responding to the statement of the head of the Bar Association as follows:

- 1) "It is well known that the detention of Dr. Al-Rantisi is basically an administrative one. Should we open his file, we believe that Article 26 of the Penalty Law is sufficient by itself to charge him.
- 2) All important security issues are discussed in the Higher Security Council, headed by the President, who is the supreme authority in the country.
- 3) Original jurisdiction to arrest, investigate, detain, release, and search lies with the police department according to the law but this jurisdiction was transferred to the Attorney General by Decree 473 of 1956. Therefore, coordination between the Attorney General and the police is restricted to these areas only, but the jurisdiction of the Director of the Police remains as is, *where he does not receive orders from the Attorney General he has complete jurisdiction to take proper measures to preserve public order, public security, and to protect public morals.*"

Comments of PCHR:

- 1) The Palestinian High Court of Justice ruled that measures taken to arrest Dr. Al-Rantisi were null and void. No other authority is empowered to supercede the decision of the court which is the highest judicial body. All governmental institutions are obliged to obey this ruling in accordance with the principle of the rule of law.
- 2) The Palestinian Attorney General is the guardian of the public case and the legal body responsible for the arrest in this case. However, the representative of the Attorney General never mentioned that Dr. Al-Rantisi was under administrative detention and the Attorney General failed to provide reasons for his continued illegal detention.
- 3) Administrative detention is only authorized by the 1945 defense regulations and later by Israeli military orders. For these defense regulations to be instated, the President must authorize the Palestinian Legislative Council to officially pronounce a state of emergency, to publish its decision, and to legislate the regulation of the emergency laws. Until now, to the best of our knowledge, the PA had not taken any of these steps to implement the defense regulations (Emergency Regulations). Furthermore, we do not expect that the PA would apply relevant Israeli military orders.

- 4) The jurisdiction of the Higher Security Council does not supercede that of the High Court of Justice which is the only body authorized to veto administrative decisions which it does not believe are correct.
- 5) Decree number 473 of 1956 regarding the jurisdiction of the Attorney General has therefore canceled all prior relevant laws, including the law of crime prevention, number 48 of 1933, which General Al-Jabali relies upon to justify the continued detention of Dr. Al-Rantisi.
- 6) According to Palestinian law the jurisdiction to investigate and arrest is restricted to representatives of the Attorney General. Furthermore, no one may be detained for more than 30 days without written permission from the Attorney General.
- 7) Neither Dr. Al-Rantisi nor his attorney were ever informed that he is being administratively detained and were unaware of this situation until Al-Jabali's statement. Dr. Al-Rantisi was never brought before a judge according to PCHR's sources. Furthermore, his lawyer was never permitted to visit him despite a permit from the Attorney General on April 13 and an order from the High Court of Justice on April 29.
- 8) By these statements and by his blatant disregard for the law, General Al-Jabali provides a very dangerous precedent as the head of the law enforcement agency whose job it is to enforce and respect the law, and to implement decisions of the court.
- 9) This statement of Al-Jabali shows that the police department is acting outside the Attorney General's jurisdiction and outside the law. It clearly undermines the rule of law and the jurisdiction of both the Palestinian Attorney General and the judiciary.
- 10) PCHR has always demanded that the PA implement rulings of Palestinian courts and restates its demand to immediately release Dr. Al-Rantisi. We agree with the head of the Bar Association that Al-Jabali's statements have no legal basis.
- 11) The continued illegal arrest in defiance of the court's decision is a breach of the 1936 Penalty Law and should be punished.
- 12) PCHR calls upon the Palestinian Minister of Justice, Freih Abu Medein, to break his silence and to condemn this very dangerous affair which undermines the office of the Attorney General and the rule of law.

October 19, 1998

The Palestinian Centre for Human Rights issued a press release about the decision of the Palestinian High Court to ask the Attorney General to explain the reason for the continued holding of citizen Wael Ali Darwish and the prevention of his release. The decision of the High Court took place in the court meeting on October 19 to check the opinions that were forwarded by the lawyers about their held client, Darwish. The news release mentioned the three other decisions issued by the court when it was held on October 17-18. According to the demand of the Centre lawyers and a representative for the clients Mahmoud Abu Watfa, Muhammad Auda, and Harb Al-Daqis, who were held by the Palestinian security forces for the

past two years, the High Court granted the Attorney General an extended period of eight days to explain the reason for holding the mentioned citizens. The press release explained its satisfaction with the decision of the court, particularly that the Centre achieved this result despite the fact that all other legal options had been exhausted.

October 30, 1998

The Centre issued a press release about the massive wave of arrests of the Islamic opposition groups.

The press release stated that on the afternoon of October 29, 1998, the Palestinian security apparatus began a massive wave of arrests which included tens of leaders, members, and supporters of the Islamic Resistance Movement and the Islamic Salvation Party in the Gaza Strip. In addition to this, Sheikh Ahmed Yassin, the founder and spiritual leader of Hamas, was placed under house arrest and his telephone lines were cut, disconnecting him from the outside world.

This wave of arrests came just a few hours after a suicide bomb attack, in which an Israeli soldier was killed on the road leading to the Gush Katif chain of settlements in the Gaza Strip.

Patrols of the security apparatus went to arrest scores of leaders and members of Hamas and the Islamic Salvation Party whose names were on the lists of targeted people. Those who were not at their homes were issued a summons to come immediately to the headquarters of the security forces, where all those arrested were being held. At the time this press release was issued, PCHR knew of scores of people who had been arrested. This included the house arrest of Sheikh Ahmed Yassin. The state of *house arrest* is according to the emergency regulations of 1945, which were issued during the British Mandate of Palestine. The Mandate issued this law at that time to suppress the Palestinian national movement. It is known as one of the most aggressive laws and was widely used by the Israeli occupation.

Among the most prominent prisoners were:

1. Dr. Mahmoud Al-Zahar (prominent Islamic activist)
2. Sheikh Ahmed Bahar (the head of the *Shura* Council of the National Salvation Party)
3. Engineer Ismail Abu Shanab (Chairman of the Engineering Association and Hamas leader)
4. Dr. Muhammad Shehab (member of the National Salvation Party)
5. Faraj Al-Awl (Advocate, member of the National Salvation Party)
6. Dr. Atallah Abu Al Sidah (member of the *Shura* Council of the National Salvation Party)

7. Sheikh Ahmed Nimr Hamdan (one of the most prominent Islamic activists)
8. Dr. Maher El-Ghazaly (Chairman of “Mabarrit Al-Rahman” Association)
9. Dr. Younis El-Astal (Lecturer at the Islamic University)
10. Dr. Ibrahim El-Yazouri (one of the most prominent Islamic activists)
11. Dr. Soleiman El-Deya (Lecturer at the Islamic University)
12. Ismail Hanniyah (one of the most prominent Islamic activists)

While PCHR understands the Palestinian Authority’s commitment vis-à-vis the security of Israel resulting from the Oslo Agreements, the Centre highlighted the following:

1. PCHR expressed its deep concern regarding this latest massive wave of arrests by the Palestinian security forces. Moreover, PCHR calls on the Palestinian Authority (PA) to stop this arbitrary campaign of arrests on the Islamic opposition and calls for the PA to act according to the rule of law.
2. The Centre expressed its concern about the possibility of bringing many of those arrested to the State Security Courts, which were established with the blessing and support of the current U.S. administration.
3. PCHR viewed these arrests as a critical breach of human rights, especially civil and political rights and the right of freedom of expression.
4. The Centre found the U.S. administration responsible as a full partner for any human rights violations in the Occupied Territories (including PA areas), especially in implementing the Security Plan, which is part of the Wye Plantation Memorandum.

November 8, 1998

The Centre issued a press release about the PA’s arrests of a number of supporters of the secular opposition in Gaza.

The press release mentioned that after launching a massive wave of arrests of around 200 persons from the Islamic opposition in the Gaza Strip, the Palestinian Authority (PA) extended these arrests to supporters of the secular opposition. By the evening of Friday, November 6, the Palestinian police had arrested seven supporters of the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP). These arrests were carried out against the background of a rally organized in Jabaliya refugee camp by the two groups, PFLP and DFLP, on the afternoon of November 6. During this rally, the Wye River Memorandum that was signed by President Yasser Arafat, Prime Minister Binyamin Netanyahu, and President Clinton in the White House on October 23 was condemned. During the rally, both American and Israeli flags were burned.

On November 7, the Palestinian police released three of the detained men, while the other four remained in custody at the time the press release was issued. The names of the four remaining in custody are:

1. Fayez Abu Sharekh
2. Lo'ai El-Za'aneen
3. Nasser Nasser
4. Ramez Okasha

The Palestinian Centre for Human Rights expressed its deep concern about this campaign of arrests, whereby the PA is arresting its opponents for their political views. Indeed, the arrests are this time being extended to supporters of secular factions which are part of the Palestine Liberation Organization and which are legally present in areas under PA jurisdiction, despite their opposition to the Interim Agreements. PCHR believes that the continuation of the arrest campaign in the aftermath of the signing of the Wye River Memorandum constitutes a major threat to freedom of expression and political pluralism. Moreover, it undermines all efforts to establish a democratic system in Palestine.

December 13, 1998

The Centre issued a press release about an arrest wave carried out by the Palestinian security forces against the Islamic opposition in the Gaza Strip on the eve of President Clinton's visit to the region. The press release mentioned that on the evening of Friday, December 11, 1998, the Palestinian security forces carried out an arrest wave against more than 40 citizens from the supporters of Hamas and Islamic Jihad in different areas of the Gaza Strip. Particularly targeted were Jabaliya and Rafah areas. In addition, a summons was sent to a number of other supporters through the Preventive Security Department and the General Intelligence Department. In the press release, PCHR expressed its deep concern about the continuing arrest waves by the Palestinian security forces against the opposition. These arrests increased after the signing of the Wye River Memorandum between the PA, Israel, and the United States on October 23, 1998. In the press release, PCHR encouraged the Palestinian Authority to respect human rights, democracy, and the rule of law, and demanded that it stop arresting citizens due to their political stances and opinions.

December 30, 1998

The Centre issued a press release stating that for the 20th consecutive day the General Intelligence Forces imposed a house arrest on the family of the escaped detainee, Yehya Mahmoud Al-Ghoul (also known as Adnan). Specifically, his wife, Wafa, was prevented from leaving the house. The Palestinian Centre for Human Rights called upon the Palestinian Authority

(PA) to intervene in order to stop the suffering of the Al-Ghoul family and to stop the collective punishment imposed against it.

Yehya Mahmoud Al-Ghoul (38 years old from Al-Mugraqa) was held in El-Saria prison in Gaza for political reasons related to his affiliation with Hamas. In the morning of Friday, December 11, 1998, he escaped from his prison after he cut through the bars of his prison cell.

At 9:30 a.m. of the same day, the General Intelligence Forces approached the houses of Yehya Mahmoud Al-Ghoul and his brother Omar Al-Ghoul (currently under arrest in an Israeli prison) in Al-Mugraqa area close to Gaza Valley. The forces arrested Wafa, her sister Suhair (who is also the wife of Omar), and the son of Omar and Suhair. In the middle of the night, Suhair and her son were released while Wafa stayed under arrest until the next day and was only released after a mediation session between her family and the General Intelligence Forces. Her release was conditioned on her not returning to her home and her agreement to stay in the house of her father located in Al-Shati refugee camp. Following this agreement, Wafa was released and returned to the home of her father until the General Intelligence Forces allowed her to return to her house in Al-Mugraqa on December 18, 1998.

On December 12, 1998, the General Intelligence Forces summoned several relatives of the escaped detainee. Six of them were arrested, while the seventh one did not turn himself in and is still wanted by the General Intelligence Forces. Three of these six detainees were released after 10 days, while the other three remained under arrest at the time of the press release.

Starting on December 11, 1998, the General Intelligence Forces stayed in front of the two houses of the families for 24 hours daily and prevented Wafa and Suhair from leaving their houses. There are 14 children living in the two houses and they were prohibited from leaving the houses or going to school on December 12. An 11-year-old child is now doing the shopping for the families.

The Palestinian Centre for Human Rights regarded with deep concern the measures being taken by the General Intelligence Forces toward the Al-Ghoul family. PCHR saw these measures as a collective punishment against the family in clear violation of Palestinian and international laws prohibiting such punishments. PCHR was reminded of similar measures taken in the West Bank following the escape of the detainee Imad Awadallah from his prison in Jericho on August 15, 1998. At that point, the Palestinian Security Forces put his family under house arrest in Al-Bireh for many days.

The Centre called on the PA and all popular organizations to intervene to stop the suffering of the Al-Ghoul family.

Individual Security Service Personnel Shooting and Killing Civilians

During 1998 the Centre documented a number of cases in which individuals within the Palestinian security forces shot and killed citizens. All of these cases were individual cases outside the formal framework of the job of the individual who did the killing. In some cases, the PA took strict measures against the individual who did the shooting. On several occasions the PA ordered the man who did the killing to be killed by a firing squad. The executions were carried out on two occasions after quick trials that did not meet the criteria and conditions of a fair trial. The Centre believes these cases result from the weakness of the rules that organize the use of weapons by security forces. The Centre believes that solving these cases cannot be done through hanging orders and that these orders are not a deterrent. During 1998 three citizens from the Gaza Strip were killed and three others were injured.²⁴

The following are the cases of personnel killings:

1. On April 28, 1998, the student Kamilia Ibrahim Al-Mughir from Al-Azhar University was injured by a bullet shot by a gun owned by a student working in the General Intelligence Services. The incident took place while the student was passing on a street next to the university. She was shot in the side. The police held the student who shot her.
2. On May 1, 1998, two people working in the security forces shot at taxi driver Fouad Kamal Abu Sultan (44 years old from Jabaliya camp) with the aim of killing him and stealing his car. They were arrested and brought before a military court through which they were jailed for life at hard labor. Needless to say they were fired from their jobs.
3. On July 17, 1998, Mahmoud Ali Al-Shambari (26 years old from Beit Hanoun) died after he was injured in the chest as a result of shots fired at him by one of his family members who was working as an officer in the Preventive Security Services. The incident took place in Beit Hanoun on July 3, 1998, as a result of a family dispute. The criminal was arrested and he is still being held by the Military Intelligence Department. He has still not been brought to trial.
4. On August 27, 1998, two Palestinian brothers in Al-Nusiraat area were killed by personnel working in the Palestinian security forces. The incident took place due to family tension between the Al-Khaldi and Abu Sultan families in the area of Aien Jaloot Buildings in Nusiraat. Several people from Abu Sultan family shot at Mohammed Ibrahim Al-Khaldi (30 years old) working in Force 17 (security of the president). He was killed by a bullet wound in the chest. Shots were also fired at his brother Majdi Ibrahim Al-Khaldi (32 years old), an official in the General Intelligence

²⁴ According to Palestinian Centre for Human Rights reports, five Palestinian citizens were shot dead in 1997 by personnel from the Palestinian security forces.

Services and a member of the district committee of Fateh movement in the middle areas of the Gaza Strip. He was injured by two bullets in his chest and died before his arrival at Al-Shifa Hospital in Gaza at about 3:00 a.m. in the morning. Also, a third brother, Abdel Al-Adeem Al-Khaldi (34 years old) was hit by a bullet in his right thigh and in his left leg.

This incident was received with popular outrage. As a result, President Arafat ordered the formation of a military court to decide on the accusations against the individuals who killed the two brothers. This court was headed by the previous Attorney General Khalid Al-Qidreh. The court was held on August 28-29. Three of the accused persons were sentenced to death by firing squad. These three were all from Palestinian security forces. Two others were jailed. The trial was very quick and its decisions were not allowed any appeals. Normally, implementing the death penalty decision requires the approval of President Arafat. The president approved the court decision toward Rai'd and Muhammad Kamal Abu Sultan while he decreased the death penalty sentence against Faris Kamal Abu Sultan to a life sentence at hard labor. The death penalty took place against the accused persons at approximately 2:30 p.m. on Sunday, August 30, 1998, although the Revolutionary Penalty Law of 1979, by which the court tried the accused, prevents the implementation of the death penalty on Fridays, Sundays, and on national holidays under article 36.

5. On November 12, 1998, personnel from the Palestinian police shot at a private car and injured the citizen Hiyam Ali Al-Amawi (30 years old from El-Qarara in Khan Younis). Mrs. Al-Amawi stated that the incident took place around 10:30 a.m. after traveling in a car with her 10-year-old son to her work in a school that is located only 800 meters from her house. In the middle of the route a police car passed the car in which Mrs. Al-Amawi was a passenger. After passing, she heard some of the police shouting for her vehicle to stop. They then shot many bullets toward the car. Mrs. Al-Amawi underwent an operation in order to take out a bullet from her intestines. The perpetrator was arrested and remains under arrest without having been brought to trial as of yet.
6. On December 27, 1998, an officer of Force 17 shot at his cousin Khalid Abu Shuaib (35 years old from Deir El-Baleh) and injured him in the abdomen. The incident took place as a result of a family dispute. An observer stated that the perpetrator entered the building of Deir El-Baleh Society for the Rehabilitation of Disabled Persons and shot many times at a distance of two meters toward his cousin. The victim was moved to Al-Shifa Hospital where his health stabilized after an operation. The accused turned himself in to Force 17 leadership in Deir El-Baleh. At this point it is unclear what measures the PA will take against him.

Press Releases Issued by PCHR on Security Service Personnel Shooting and Killing Civilians

April 29, 1998

PCHR issued a press release about a shooting at Al-Azhar University. A student from the university was playing with his gun in a cafeteria near the university when suddenly a bullet was fired, resulting in an injury to Kamilia Al-Mughayar, a student who was walking on the opposite side of the street. Al-Mughayar was shot in the right side of her body and immediately transferred to Al-Shifa Hospital, where she received treatment. In addition to being a student in the Law School at Al-Azhar, the perpetrator works with the Palestinian General Intelligence. At the time of the press release he was being detained by the Palestinian police.

The Palestinian Centre for Human Rights expressed its deep concern about this incident, the general lack of caution in the handling of weapons, and the lack of concern for the safety of civilians. Despite declarations by the Palestinian police that they have initiated a campaign to collect weapons from civilians and that they promote the protection of civilian lives, weapons remain widespread in Gaza. Several times this dangerous situation has raised the concern and drawn the attention of PCHR. Now it has reached the point that university students carry weapons, endangering the lives of other students, and violating respect for the campus and its surroundings.

August 27, 1998

PCHR issued a press release about the killing of the brothers Mohammed and Majdi Ibrahim Al-Khaldi.

The press release stated that two Palestinians from the Gaza Strip were shot dead in the context of a dispute between families in the Nusiraat area. At the time of the press release, the Palestinian security forces had closed the area and arrested the suspected murderers.

In the early hours of August 27, 1998, both Mohammed Al-Khaldi, 30 years old from Deir El-Baleh, and his brother, Majdi Al-Khaldi, officer of the Palestinian General Intelligence, were shot dead by members of the Abu Sultan family. The two people suspected of the murders were reported to be members of the Palestinian security forces.

PCHR condemned the crime and called upon the PA to take the necessary measures within the rule of law to punish the murderers. PCHR reiterated its demands to the PA to control the trend toward militarization and arbitrary use of weapons by individuals working for the Palestinian security

forces. PCHR believes that this trend is a source of danger and a threat to civil life as it undermines the safety of all Palestinian citizens.

August 31, 1998

PCHR issued a press release about the PA's carrying out a court decision calling for the death penalty.

At 2:30 p.m. on August 30, 1998, the PA executed the brothers Ra'id and Mohammed Abu Sultan, who had been sentenced to death by a military court the day before. PCHR expressed its deep concern that this step may establish a precedent in the areas under Palestinian jurisdiction in the West Bank and Gaza Strip.

A military court was formed by President Arafat in order to try members of the Abu Sultan family who were accused of murdering the brothers Mohammed and Majdi Al-Khaldi on August 27, 1998. Headed by the former Attorney General, Khalid Al-Qidreh, the court was convened between August 28-29 and sentenced to death three brothers of the Abu Sultan family.

PCHR expressed its concern about the quick trial and the fact that it could not be appealed. The trial lasted only two days and was held almost immediately following the crime. According to Palestinian law, the court's decision to use the death penalty can only be implemented after being approved by the President. President Arafat approved the court decision against two of the murderers while lowering the sentence against the third perpetrator to life in prison.

PCHR reiterated its position against the death penalty and called upon the PA to take effective measures in order to restrict and control the use of weapons by security forces, bearing in mind that the three perpetrators were members of security forces that have been involved in such crimes. Previously, PCHR stated that restrictions of this sort on weapons are necessary to protect the lives of citizens and to achieve stability and safety for Palestinian society.

December 28, 1998

PCHR issued a press release detailing how on December 27 a member of the Palestinian security forces fired at his cousin, Khalid Abu Shuaib, 35 years old, from Deir El-Baleh. He injured him in the stomach. The incident took place due to a family dispute. An eyewitness said he saw the perpetrator enter the building of Deir El-Baleh Society for the Rehabilitation of Disabled Persons. The perpetrator fired his automatic weapon at Shuaib from a distance of two meters. The victim was transferred to Al-Shifa Hospital in Gaza where he underwent immediate

surgery. PCHR was informed that he had improved from his original critical condition. PCHR was also informed that the perpetrator, who is a member of Force 17 (presidential security), surrendered to the headquarters of Force 17 in Deir El-Baleh.

PCHR expressed its deep concern over the occurrence of the attack as such incidents took the lives of many civilians during 1998 and the last few years. PCHR reiterated its demand that the PA should take immediate and effective measures to regulate the use of weapons by individuals in its security forces.

The press release noted that the PA executed two of its security personnel on August 30, 1998 after they were accused by a special military court of murdering the brothers Mohammed and Majdi Al-Khaldi. At the time, PCHR stated that the death penalty does not constitute an effective deterrent to such crimes. PCHR further insisted that the PA should take effective measures to regulate the use of weapons and take action against the militarization of Palestinian society.

Death(s) in Suspicious Circumstances

During 1998 PCHR followed up one case related to a death in suspicious circumstances. In this instance, PCHR suspected that a member of the Palestinian security forces was involved in the death. On September 6, Hussein Abu Ghali, 55 years old from Khan Younis, left home to go to the Presidential Headquarters to ask for assistance to obtain a permit from the Israeli authorities so that he could accompany his son to Jordan where he was to receive medical treatment. On the very same day, his family was informed of the father's death. Omar Abu Ghali, the brother of the deceased, testified to PCHR that he saw shoeprints on the clothes of his brother and blood covered the sheet draped over his body. In another testimony, Mohammed Abu Ghali, a son of the deceased, told PCHR that he saw blood on his father's nose and bruises on his chest.

Hussein Abu Ghali was transferred at 12:30 p.m. in a military ambulance accompanied by a military nurse. The Palestinian police informed the family about his death at 5:00 p.m. and stated that the reason of death was unknown. The family accused a member of presidential security of attacking their father and causing his death.

Press Releases about the Death of Hussein Abu Ghali

September 7, 1998

The Centre issued a press release stating that on September 6, 1998, Hussein Abed Abu Ghali, 55, a resident of Khan Younis, Gaza Strip, died

in suspicious circumstances. Family sources accused a member of the presidential security forces of beating him to death.

According to Abdul Fattah Abu Ghali (the son of the victim), his father left home on September 6 on his way to the President's Headquarters (Al-Muntada) seeking medical help for one of his sons who had been wounded by Israeli soldiers on May 15, 1998. At approximately 5:00 p.m., the family was informed by the police that the father had died and that his body was being kept at Al-Shifa Hospital in Gaza.

Later, the family was informed by the police that the father was transferred dead to the hospital from the waiting hall at the President's Headquarters (Al-Muntada) and that the reason for death had not been determined. No medical report was given by the hospital to the family members who received the body and buried it in the evening hours. A tent of condolences was opened on September 6, but later closed. The family believes that the death was not natural, but resulted from a beating at the hands of individuals in the presidential security forces.

Omar Abu Ghali, the brother of the victim, testified to PCHR that he saw signs of beating as indicated by shoeprints on the clothes of his brother. Mohammed Abu Ghali, the son of the victim, also testified that he saw signs of beating on his father's chest and signs of bleeding from the nose. The family complained to the Palestinian police that signs of beating were evident on different places on Hussein's body. A press release was issued by the family on the morning of September 7 accusing a member of the presidential security forces of beating Hussein to death.

PCHR, as the legal representative of the family, complained to the office of the Palestinian Attorney General, and demanded an immediate investigation of the death of Hussein Abu Ghali and the suspicious circumstances surrounding it. PCHR asserted that there are reasonable grounds for suspicion of death as a result of beating by individuals in the presidential security forces. The main officer accused by the family was reported in the past in other attacks against civilians. PCHR field workers reported that he attacked two journalists on August 24, 1998, and that he was subjected to a term of imprisonment by Force 17 (security of the president).

September 8, 1998

PCHR issued a press release on September 8, 1998 referring to the previous day's press release about the death of Hussein Abed Abu Ghali (a resident of Khan Younis) in suspicious circumstances. As the legal representative of the Abu Ghali family, PCHR demanded that the Palestinian Attorney General's Office investigate the case immediately.

On September 8, 1998, PCHR received a letter signed by the Palestinian Attorney General stating that he authorized a pathologist to conduct an autopsy. The letter added that the autopsy revealed that the death of Abu Ghali resulted from consequences of cardiac disease and diabetes. According to the letter, no signs of criminal physical violence appeared on the body of Abu Ghali.

The Continuing Work of the State Security Court

Despite the criticism by Palestinian and international human rights organizations of the State Security Court, it continues to operate in the area of the Palestinian Authority. The State Security Court was formed in February 1995, eight months after the establishment of the PA in the Gaza Strip and Jericho. The decision to establish it was made by President Arafat. His decision was received with strong opposition by human rights organizations since security courts typically work in a manner that contradicts the criteria for fair trials and correct legal procedures. Usually such security courts carry out quick trials in which the accused has no legal representative. Furthermore, the accused person normally knows about the time of the court session for only a limited period of time prior to its being held.

In many cases, the State Security Courts are used to manipulate civil legal measures and to overcome them. One of the most prominent cases of this sort occurred in 1998 with Dr. Ibrahim Al-Maqadma who was arrested by the Palestinian security forces on April 10, 1998. As the representative of Al-Maqadma, the lawyers of PCHR requested from the Palestinian Attorney General the reasons for his arrest and the exact accusations against him. Unfortunately, they did not receive any response as the Attorney General did not know anything about the case.

On June 20, 1998, the High Court of Justice rejected a request filed by the lawyers of the Centre demanding the immediate release of Dr. Maqadma who was illegally arrested. The High Court of Justice decided that it had no jurisdiction over his case. This decision came after the Attorney General's declaration that the arrest of Dr. Al-Maqadma was in accordance with legal measures, and that he was brought before the State Security Court on the charge of cooperating against the Authority with the intent to carry out criminal plans.

Accordingly, the Attorney General asked the High Court to reject the Centre's request since it was not under its jurisdiction. The response of the Attorney General was surprising, especially two months after the arrest of Al-Maqadma. In these two months the representatives of Al-Maqadma tried to find out the reason for their client's illegal arrest, but did not receive any answer from the Attorney General. In addition, the Attorney General had not succeeded in finding out the reason for his arrest and had

not succeeded in requiring the police to allow Al-Maqadma's representative to visit him. From the first days of Al-Maqadma's arrest, the Attorney General did not know the reason for his arrest. This fact forced the Centre to appeal to the court.

What is most troubling in the matter is the fact that the arrest of Al-Maqadma was renewed without the knowledge of the Attorney General. The very existence of the State Security Courts and their continued activities constitute a major threat to public freedom and the independence of the judiciary in Palestine.²⁵

The Non-Implementation of the Courts' Decisions

The year witnessed a number of violations of the decisions of the Palestinian courts by PA commissions and institutions. These violations negatively influenced the independence of the Palestinian judicial system and made it difficult to enhance the rule of law in PA areas.

It might be that one of the most prominent court decisions that was not implemented was the High Court of Justice decision issued on June 4, 1998 about the release of Dr. Abdel Aziz Al-Rantisi who had been under arrest since April 9, 1998. By the end of 1998 Dr. Al-Rantisi was still under arrest by the police in contradiction with the law and in a clear challenge to the court decision. Many other court decisions went unimplemented as well.

Press Releases from the Centre about the Non-implementation of Court Decisions

June 22, 1998

PCHR issued a press release expressing its condemnation of the Ministry of Housing in intentionally defying a decision of the Palestinian High Court of Justice. In a letter to the General Prosecutor, Dr. Ramadan Al-Najar, Director General of the Ministry of Housing and consultant to the Minister of Housing, proclaimed that Decision Number 137-96 of the High Court was made under false pretenses. The decision called for an

²⁵ The High Court of Justice made two similar decisions that it had no jurisdiction to review two cases followed by the lawyers of PCHR. The first case is related to the citizen Yasser Muhammad Taha', who was arrested on May 13, 1997. The Centre appealed to the court to release him after it failed to achieve any result with the Attorney General. On December 7, 1998, the court decided to reject the request after the Attorney General answered that the mentioned citizen was brought before the State Security Court.

The second case is related to Hussein Mustafa Ashour, who was arrested on March 13, 1996. On December 10, 1998, the court decided to reject the request forwarded by the lawyers of the Centre to release him for the same reason as before – that the citizen is under detention due to a decision by the State Security Court.

immediate halt to bulldozing and other measures taken by the Ministry of Housing regarding land parcels one and two of block number 2365.

The letter from the Director General followed an intervention by PCHR challenging the violation of the aforementioned decision of the court, the continued bulldozing, and other measures enacted by the Ministry of Housing on that parcel of land.

PCHR was shocked by the response of the Ministry of Housing and condemned any further bulldozing of land as a violation of the decision made by the highest Palestinian judicial body. PCHR regarded such bulldozing as a violation of the independence of the Palestinian judiciary and a threat to its decision-making authority. This dangerous action should not be tolerated without strict consequences. PCHR invited the PA to take the following immediate steps: 1) Stop all bulldozing activities and oblige the Ministry of Housing to compensate the rightful beneficiaries of the land; 2) Punish all those who involved in violating the law and the decisions of the Palestinian judiciary; and 3) Oblige all bodies of the Executive Authority to respect and execute the decisions of the Palestinian High Court of Justice and respect the rule of law.

October 10, 1998

The Centre issued a press release about the demolition of a house in Gaza by the Gaza Municipality. In defiance of a ruling from the Palestinian High Court of Justice, the Municipality of Gaza City demolished the house of Jamal Thalathini by bulldozer on Monday, October 5, 1998. Thalathini, who protested against the Municipality's illegal action, was beaten by members of the Palestinian security forces (Military Intelligence) and transferred to Al-Shifa hospital unconscious. He suffered injuries to his head, nose, ears, chest, and back. At the time of the press release, Thalathini remained in the hospital while his family was left without shelter.

On October 4, 1998, the day before the demolition of his house, Jamal Thalathini received a notification of removal from the Municipality, but he managed to obtain an order from the High Court of Justice suspending the removal from his home.

In the press release, the Centre asserted that once again, the Municipality of Gaza had defied the decision of the highest Palestinian judicial authority. The PA, it said, had taken no firm action to stop such illegal activities. On the contrary, the National Security Forces and Military Intelligence, which should not be involved in such cases, appeared to lend their support to the Municipality.

PCHR expressed its deep concern about the repeated illegal activities of the Gaza Municipality. PCHR called upon the PA to: 1) ensure that all those involved in defying the ruling of the court be held accountable for their actions; 2) PCHR condemned the use of violence against Jamal Thalathini by members of the Palestinian security forces; and 3) PCHR called for an appropriate remedy and redress for the family of Thalathini, including the provision of decent housing for them.

The Retirement of the Chief Justice

Since the middle of February 1998 the position of Chief Justice has been unfilled as a result of the retirement of Chief Justice and President of the High Court, Qusai El-Abadlah. The absence of a judge to fill this position should be regarded as a dangerous threat to the independence of the judicial system and damaging to any effort to enhance the rule of law, the concept of the separation of powers, and the institutionalization of government. Moreover, this situation reflects a case of carelessness by the Executive Authority toward the judicial authority and signifies an effort by the PA to control and dominate the judicial authority. The position has stood empty for 10 months, and it does not appear that the Executive Authority is serious in correcting the damage that has taken place to the judicial authority and its president.

The head of the General Personnel Office of the PA decided to retire the Chief Justice, Counselor El-Abadlah, effective February 16, 1998. This decision came in a letter dated on January 17, 1998, and sent by the president of the General Personnel Office to El-Abadlah. The letter clarified that due to the fact that the judge had reached the legal age of retirement of 60, and in light of the president's approval to extend his work to February 15, 1998, it was decided that he would be retired on February 17, 1998. El-Abadlah was appointed as Chief Justice and head of the High Court of Justice in a decision taken by President Arafat. According to the law, the President is the only one who has the authority to appoint and to retire the head of the High Court. Moreover, El-Abadlah was appointed to his position by President Arafat after he (El-Abadlah) was more than 60 years old and the decision of his appointment did not mention any contracting obligations of either a permanent or temporary character.

It is worth mentioning that the weekly news of *Al-Risalah* published a long interview on January 15, 1998 with Counselor El-Abadlah two days before the decision on his retirement was taken by President Arafat. In that interview, El-Abadlah criticized the PA and some of its institutions' interventions in the work of the judicial authority. He accused the Minister of Justice in the PA of attempts to obstruct the work of the judicial system and attempts to weaken the judges. Moreover, Counselor El-Abadlah spoke about a number of illegal practices taken toward judges, particularly regarding promotions for judges that took place without proper legal basis.

He also criticized the PA for not implementing decisions of the Palestinian courts.

Press Release Issued by the Centre about the Retirement of the Chief Justice

On January 25, 1998, the Centre issued a press release about the Executive Authority decision to retire the Chief Justice Qusai El-Abadlah. The press release stated that this was a surprising and shocking step and negatively influenced Palestinian judicial independence. The press release expressed great surprise with the suspicious way in which El-Abadlah was retired by the head of the General Personnel Council. Accordingly, the Centre emphasized the following:

1. The decision to dismiss El-Abadlah by the head of the General Personnel Council is an illegal measure that may undermine the independence of the Palestinian judiciary. The unorthodox dismissal tarnishes the integrity of the judiciary.
2. PCHR expresses its deep concern about the decision, especially as it coincides with critical comments by El-Abadlah that appeared in *Al-Risalah*.
3. The critical comments made by El-Abadlah were extremely sensitive and important. They deserve further and more thorough investigation by concerned institutions within the PA in order to uncover more accurate conclusions.
4. PCHR also calls upon Palestinian President Yasser Arafat to intervene in order to protect the independence of the judiciary, and to take whatever measures are required to ensure the integrity of the judiciary, including annulling the decision by the head of the General Personnel Council.

The Resignation of the Palestinian Attorney General

At the beginning of May 1998 the Palestinian Attorney General Fayeze Abu Rahma resigned in protest to the PA's undermining of his authority. His resignation came 78 days after the dismissal of Chief Justice Qusai El-Abadlah, and reflected the degree of deterioration in the rule of law and justice in the PA's area. The decisions of the Attorney General were not respected by the Executive Authority and the officials responsible for law enforcement. Moreover, since the beginning of the year a large amount of his delegation had been reduced. According to the law, the position of Attorney General is regarded as one of the most important formal positions in the protection of the rule of law and citizens' rights. The Attorney General is considered to be the guardian of the public's case, and he specializes in criminal prosecution. During 1998 the Centre forwarded to the Attorney General 104 letters related to arrested citizens. His office was asked in these letters to clarify the reasons for the arrests of these citizens, to allow their families to visit them, and to release them. The Centre

received only one response. In this solitary response, the lawyers of the Centre were allowed to visit one of the detainees. The police, however, in a clear challenge to the authority of the Attorney General, did not permit them to visit him.²⁶

In a similar situation to that of the Chief Justice, the Executive Authority did not attempt to appoint a new Attorney General and the position remained empty through the end of the year. The absence of an Attorney General means that many of the measures that are carried out by the Executive Authority are in and of themselves considered illegal, including the arrests of tens of citizens for periods of more than one month as it is necessary in such cases to have approval from the Attorney General. Such approval is now clearly lacking. According to the law, all the detainees who are being held without charge or trial are considered held by the Attorney General. In the absence of an Attorney General it is not known by whom these people will be held. As a result of this serious defect in the Attorney General's position there are tens of detainees who have been held without charge for more than three years in a structural contradiction to the norms of law. This was one of the basic reasons forcing the Attorney General to resign.

A Press Release about the Resignation of the Attorney General

On May 5, 1998, the Centre issued a press release about the resignation of Attorney General Fayez Abu Rahma due to the undermining of his authority. In the press release, the Centre expressed its deep concern about the current situation in the judiciary, especially the office of the Palestinian Attorney General, after the resignation of Palestinian Attorney General Fayez Abu Rahma, 78 days after the dismissal of the Chief Justice. The Palestinian Attorney General resigned in response to the repeated undermining of his authority and jurisdiction by the Executive Authority. The resignation of the Attorney General clearly indicates the true status of the rule of law in the areas controlled by the PA. The continuous undermining of the rule of law will certainly affect the status quo and the future of human rights in Palestine. On numerous occasions, the Executive Authority has not respected the decisions of the Attorney General, nor his authority and jurisdiction as set out in Palestinian law. In any society, especially Palestinian society, the rule of the Attorney General is of the utmost importance because of his mandate to conduct investigations and to ensure respect for citizens' rights, freedoms, and the general public interest.

The Attorney General's decision to resign did not come as a shock because of a series of events that have occurred since he was appointed. Since December 28, 1997, the mandate of the Attorney General has been subjected to direct interference and his authority to carry out general

²⁶ In this regard, see the case of Dr. Abdel Aziz Al-Rantisi on pages 49-50 and 53-56 of this report.

prosecution has been significantly and illegally diminished. On August 15, 1997, the Palestinian Attorney General issued orders to release 11 Palestinians who had been detained for many months in the Gaza Central Prison without trial. At around 9:00 p.m. that same day, the prison director released the men. Three hours later, they were re-arrested and the director of the prison was arrested for releasing the men.

In another example of the Attorney General's undermined authority, on April 9 and 10, 1998, Palestinian police arrested Dr. Abdel Aziz Al-Rantisi and Dr. Ibrahim Al-Maqadma, who are top leaders of Hamas. At the request of their families, PCHR agreed to defend these men and applied for permission to visit their clients in prison. When the Palestinian police refused, PCHR appealed to the Attorney General. On April 13, he granted the lawyers permission for visitation, but this permit was also rejected by the Palestinian police. PCHR then appealed to the Palestinian High Court of Justice, which decided, *inter alia*, to allow PCHR lawyers to visit their clients. However, at the time of the press release, the Palestinian police had yet to comply with this order.

The real reasons behind the resignation of the Attorney General still exist, namely the lack of respect and repeated disregard of his decisions. PCHR has already expressed its concern over the severity of this continued problem. Though not shocked by the decision of the Attorney General to resign, PCHR called for an end to such neglect, advancement of the rule of law, and respect for the mandate and jurisdiction of the Attorney General. PCHR affirmed the necessity for law enforcement officials to respect the decisions of the Attorney General as well as the need for increased awareness of the mandate and jurisdiction of the Attorney General as set out in Palestinian law.

Based on the above-mentioned facts, PCHR called on the Executive Authority to give the Attorney General all authority provided to him by Palestinian law while appointing a new Attorney General. At the same time, PCHR reaffirmed the need to respect his decisions and promote his jurisdiction in order to ensure the rule of law. A strong Attorney General and an independent judiciary are fundamental conditions for a Palestinian civil society in which justice, democracy, and respect for human rights prevail. The failure to promote these conditions cannot be justified by any situation, no matter how exceptional or how complex. The rule of the Attorney General and the independence of the judiciary are the keys to overcoming difficult legal situations. The power of the PA should rest on respect for these principles in theory and in practice.

The Palestinian Legislative Council

Since the inauguration of the Palestinian Legislative Council in March 1996 the Centre has devoted a large part of its effort to following up the Council's work and to encouraging it to adopt legislation in accordance with democratic principles and human rights criteria. The Centre is seriously following up the legislation discussed by the Council and often provides a critique of these drafts and suggests modifications to some of the articles. These comments are forwarded to members of the Council. During the last two years the Centre has developed a structure of positive relationships with most of the Council members. Many of these members from time to time participate in the different activities that are hosted by the Centre and many times members of the Council are invited for meetings and workshops held by the Centre on subjects and issues of concern. These meetings and workshops secure the necessary and suitable environment to exchange opinions and visions between human rights activists, representatives of civil society institutions (including NGOs and political parties), and Council members.

At a different level, the Centre followed up the Legislative Council activities in regard to its tasks of legislation, monitoring, and accountability. During 1998 the Centre developed a new report to evaluate the Council's achievements in the mentioned tasks during the first and second sessions of the Council's work. This evaluative report was issued in November 1998 to cover the first and second sessions of the Council's work, the period from March 1996 to March 1998. The report was largely distributed to different segments of Palestinian society, particularly to the Legislative Council members. The Centre hopes that this report will be helpful, will enhance the parliamentary experience, and will support democratic practices in Palestine.²⁷ This report will be produced annually by the Centre.

PCHR's Report on the Palestinian Legislative Council

This report is considered to be the first and only report to attempt to assess the conduct of the Palestinian Legislative Council (PLC). The report concluded that the PLC during its first session (from March 7, 1996 to March 6, 1997) and second session (from March 9, 1997 to March 8, 1998) failed to meet the achievements expected of it. Regarding its task as a legislative body, the PLC has been unable to establish the Basic Law as a basis for the relationship between the three authorities and the public. Although the Basic Law was approved in its first, second, and third drafts, the PLC did not take any serious measures against the Executive Authority for its rejection of the Basic Law. Although the report acknowledged the PLC's difficult position in relation to the Executive Authority, it seems that the PLC suspended its activities regarding the Basic Law indefinitely. What is worth noting is that the Palestinian Election Law of 1996, through which the PLC members were elected, clearly states that the first task of

²⁷ A copy of this report can be obtained through direct contact with PCHR.

the elected Palestinian Legislative Council is to establish a constitutional system for the interim period.

In addition, the PLC was unable to commit the Executive Authority to the decisions that it issued. Most of these decisions are related to political, social, economic, and legal issues, and they are considered to be of great importance as they have a direct influence on the public. Moreover, such decisions determine the road to a democratic society.

In respect to accountability and monitoring, the PLC was able to make good progress although there is still a great deal more to achieve. For example, the PLC was successful in calling certain Executive Council members for inquiry and was able to form investigation committees to follow up the issues related to misuse of authority, violation of human rights, and administrative corruption. Unfortunately, the PLC was not able to commit the Executive Authority to follow its recommendations and change the current situation.

Consequently, at times the PLC looked weak and marginalized in comparison with the Executive Authority. What was unique about the PLC was that in its two sessions there was the intention to avoid confrontation with the Executive Authority. The PLC, for example, refrained from using a vote of no confidence against the government. The report mentioned many reasons behind this complex situation regarding the failure of the PLC:

1. The uniqueness of the Palestinian situation and the constraints imposed on the PLC's work, as a result of the fact that its existence came as one of the obligations of the Interim Agreements signed between the two sides. The agreement limited the period of the PLC's work to the interim period and this decreased its ability to commit the Executive Authority to its decisions and laws. The Executive Authority felt that it was unnecessary to commit itself, due to the temporary nature of the laws.
2. The PLC is the first real parliamentary experience for the Palestinians. This lack of experience has led the members to feel uncertain about their real roles in the PLC.
3. This situation was worsened by the Executive Authority's rejection of the principles of monitoring and accountability as a basis for the relationship between the two authorities. The Executive Authority ignored all the laws and decisions issued by the PLC, which had a dangerous and negative influence on the members, making their activities seem meaningless.
4. The presence of an institutional context is vital for the work of any parliamentary institution. The existence of an efficient and independent judicial system that is able to implement the laws that are issued by the PLC and enhance the rule of law is especially important.

5. The absence of an opposition in the PLC due to the boycott by the opposition groups of the 1996 general elections. This absence created weak parliamentary alliances and the PLC has consequently been unable to make the monitoring and accountability mechanisms more efficient.

The report recommended the following as means to push forward the democratic process in Palestinian society and to support the PLC in achieving its basic tasks of legislation, monitoring, and accountability:

1. It is necessary that the PLC work at securing approval of the Basic Law since the Basic Law is considered the foundation of any constitutional relationship between the three authorities and since it determines the delegations of each authority and regulates the relationship between the government and citizens.
2. It is important that the PLC follows up the results of the investigation committees it has formed. The absence of seriousness by the PLC in taking the recommendations of its committees into consideration is noticeable, especially those committees which were formed to follow up human rights violations in the Occupied Palestinian Territories. For example, the Executive Authority did not commit itself to any of the committees' recommendations to follow up human rights violations.
3. It is necessary that the PLC work at following up the decisions it has issued. All the decisions issued by the PLC in the first two sessions were related to issues or questions of citizens' concern. Therefore, following the implementation of these decisions is as important as following up the implementation of the Basic Law.
4. It is important to improve the relations between the members of parliament and the public. Given that members of parliament represent the public and act on their behalf, they must be committed to respond to public demands. It must not be understood from this that the role of the members of the Council should bring an intervention in personal issues such as assistance in finding jobs or mediating for others.
5. Based on this and given that the right to access to information is a basic right, the PLC has to work at developing all means that allow citizens to look at its work and follow it up, either through the media or any other means. The idea of covering the PLC's activities on television was raised on a number of occasions, but just one of the PLC's meetings was covered on television. Therefore, it is important that this issue is raised again. The PLC is the only authority that can determine what kind of information is delivered to the public about its activities.
6. In this context, developing popular programs to increase citizens' awareness about the role of the parliament is considered of great importance since such programs contribute to securing the necessary environment for the PLC's work. Such activity can be achieved through conferences, workshops, meetings, and other means.

The Failure to Hold a By-election in Gaza Constituency

There was supposed to be a by-election in the Gaza constituency on May 29, 1998 to elect a new member to the Council to replace the resigned member, Dr. Haider Abdel Shafi. The Legislative Council accepted the resignation of Dr. Abdel Shafi on March 30, 1998. In his resignation letter, Dr. Abdel Shafi clarified his belief that the Executive Authority had turned its back to the requirements of constitutional coordination and cooperation. He asserted that the Executive Authority's undermining of Council initiatives to adopt the Basic Law provided strong evidence of the negligent policy it was following in relationship to the Council. Dr. Abdel Shafi expressed his regret over the weak stand of the Speaker of the Council toward this policy and for his failure to adopt a serious stance to stop the Executive Authority's policy in this regard.

According to the 1995 Palestinian Election Law an election will be held 60 days following the retirement or resignation of a Council member. Actually, the Central Election Committee started to prepare and organize an election for May 29, 1998 after Dr. Abdel Shafi's resignation. However, the Court of Elections Appeals met regarding the election issues to discuss an appeal provided to cancel that election due to the fact that the term of the new member would be less than the minimum period (of one year) that was determined by the Palestinian Election Law in 1995. On May 20, 1998, the court decided to cancel the election. Consequently, the position of the resigned member, Dr. Abdel Shafi, remains empty. (For more details about this case see below.)

Press Releases about the By-elections for the PLC

May 6, 1998

PCHR issued a press release expressing its readiness to participate in local monitoring of the by-elections of the Gaza constituency scheduled to be held on May 29, 1998 to elect the successor to Dr. Abdel Shafi, a member of the PLC who resigned on March 30, 1998.

May 18, 1998

PCHR issued a press release stating that the Election Appeals Court would convene to consider an appeal presented by advocates Abdel Rahman Abul Nasser and Dr. Kamal Al-Asdal to cancel the by-elections in the Gaza constituency. They argued that the remaining period for the member elected would be less than one year, the minimum period according to the 1995 Palestinian Election Law in which to hold a by-election.

The Central Election Committee set May 29, 1998 as the date for by-elections to elect a new member to the PLC to succeed Dr. Abdel Shafi, a

former council member whose resignation took effect March 30, 1998. According to Dr. Osama Abu Safia, the Director General of the Central Electoral Committee, the committee received a letter from the Speaker of the Council, informing the committee that there was a vacancy as of April 4, 1998. Because the term of the Council will end at the end of the interim period on May 4, 1999, this means that the remaining period is more than one year.

Accordingly, holding an election in due time is completely consistent with the 1995 Palestinian Election Law. Article 92 (4) states: "If the remaining period of term of legislature at the moment of the vacancy exceeds one year, by-elections shall take place in the constituency where the member whose position is vacant was elected."

The Palestinian Centre for Human Rights is concerned that there is an attempt to cancel the by-elections and that the real reason for this is the poor showing at registration centers. The Central Electoral Committee opened 11 centers for registration, distributed geographically throughout the Gaza constituency. Each center was given a final election register from 1996 and a call went out for those who were not registered to register at the centers. The number of non-registered people was estimated at 10,000, but over 18 days only 60 people registered. This is an indicator of the lack of concern and enthusiasm among the voters. This conclusion is supported by the fact that all candidates are derived from the same political background. Excluding Fateh and its supporters, no political party nominated candidates for the election.

PCHR called for holding by-elections in due time and without delay, in accordance with the law, to contribute to the development of the democratic process. PCHR was eager to avoid a repeat of the experience of 1997 when local elections were called for August of that year, but then canceled by a political decision.

May 19, 1998

The Centre issued a press release about the court's postponement of its decision of an appeal to cancel the by-elections in Gaza. In the press release, the Centre mentioned that on Monday, May 18, 1998, the Election Appeals Court convened to consider an appeal presented by advocate Abdel Rahman Abul Nasser and Dr. Kamal Al-Asdal to cancel the by-election in the Gaza constituency scheduled for May 29, 1998. The by-election had been called in order to fill the vacancy in the Palestinian Legislative Council left by the resignation of former Council member Dr. Haider Abdel Shafi. According to the appeal, holding this election would be null and void because the remaining period of term for the member-elect would be less than one year, the minimum period according to the law.

The press release stated that in the previous day's press release PCHR called for holding by-elections in due time and in accordance with the law. The Centre noted that the vacancy opened on April 4, 1998, making the remaining period of term more than one year as the legislative term concludes at the end of the interim period on May 4, 1999.

Advocate Abul Nasser told the court that the reason for his appeal was to assert that May 4, 1999 is the date for the end of the interim period and to urge the court to assert this date and not to let the Israelis exploit the matter. The court, however, had adjourned and would not reconvene until May 20 to make its decision. PCHR found no reason for the court and judiciary to become involved in asserting the date for the end of the interim period as the date had already been agreed upon in the Interim Agreement.

The Centre also found it necessary for by-elections to be held in the Gaza constituency in accordance with the 1995 Palestinian Election Law and asserted that canceling these elections would negatively affect the development of the democratic process and the rule of law.

May 21, 1998

The Centre issued a press release on the subject of the Election Appeals Court cancellation of the by-elections in the Gaza constituency. The decision of the court held on May 20, 1998 mentioned that there was no presidential decree for such an election and the court decided that since there had been no presidential decree calling for elections, all measures and preparations taken by the Central Election Commission to hold elections had no legal basis. Therefore, the court canceled the decision of the Central Election Commission to hold by-elections in the Gaza constituency to fill the vacancy in the Palestinian Legislative Council.

Beatings of Members of the Legislative Council

On August 26, 1998 the Palestinian security forces beat a number of Legislative Council members and journalists when they gathered in a peaceful sit-in in front of the house of Imad Awadallah in Al-Bireh in protest of the imposition of severe house arrest against his family. The Palestinian security forces imposed a strict arrest on his house after his escape from a prison related to the Preventive Security Service on August 15, 1998. From that date, his relatives were not allowed to leave their house. The house arrest was regarded as an illegal measure carried out by the security forces and was viewed as being a collective punishment prohibited by local and international laws. In fact, this measure was received with outrage by the Palestinian people. A number of human rights activists and Legislative Council members participated in a peaceful sit-in in front of the Awadallah house on August 26, 1998. During the sit-in, a number of Legislative Council members and journalists were subjected to

beatings by personnel of the Palestinian security forces wearing civilian clothing. Among the members of the Council who were subjected to beatings were Abed Rabu Abu Auwn, Jamal Al-Shati, and Suleiman Al-Roumi. According to *Al-Ayaam* newspaper, a similar occurrence happened the following day as well when Council member Hatem Abdel Qader was subjected to a beating by a person wearing civilian clothing under the supervision of security service personnel who were standing in front of Awadallah's house.²⁸

The Legislative Council strongly condemned these practices and asked President Yasser Arafat to retire Jibril Rajoub, head of Preventive Security Services in the West Bank, to investigate him about the beating of the Legislative Council members by his officers, and to bring all those who participated in beating the Council members to a public trial. In addition, the Council asked for the house arrest against the Awadallah family to be broken immediately as it is a kind of collective punishment which has been rejected and fought against by the Palestinian people on many occasions. In its exceptional meeting held on August 31, 1998, the Council formed a special committee to follow up the work of the Military Judicial Committee which took responsibility for investigating the incident. The Council had heard the response of the government forwarded by the Parliament Affairs Minister Nabil Amr affirm that the Ministerial Council supported the measures of President Arafat that aimed at forming a Military Investigation Committee headed by Ismail Jabr, the National Security Forces Commander. The Council regarded the government's response as being insufficient.

The Palestinian security forces house arrest against Imad Awadallah's family continued until August 28, 1998, and stopped due to the orders of President Arafat to break the house arrest against the family. But no information was released about the investigation of the beating of Council members, nor any measures taken against Rajoub.

PCHR's Critical Comments on the Draft Law of Charitable Associations and Community Organizations

Throughout the last few years, especially since the establishment of the Palestinian Authority (PA) in 1994, a strong debate has arisen in the Occupied Palestinian Territories regarding the work and the organization of the Palestinian non-governmental organizations (NGOs) and the promotion of civil society. In view of this, thorough discussions were devoted to the legal framework which regulates the activities of NGOs and their relationship with the government, especially in light of the PA's initiative when a draft law named the "Law of Charitable Associations, Social Societies, and Private Institutions" was proposed in September 1995. A

²⁸ *Al-Ayaam* newspaper, August 27, 1998.

previous draft law proposed by the PA had been rejected by the NGOs and an amended version was introduced.

The Palestinian Centre for Human Rights (PCHR) has been involved in these discussions on the NGO level, especially with the Network of Palestinian NGOs. In December 1997, PCHR published its study of the draft law proposed by the PA. In addition to the Centre's critical comments about the law, the study covered the historical development of the legal framework which governed the activities of the NGOs, starting with the 1907 Ottoman Law and ending with Israeli Military Orders which added further restrictions to the work of the NGOs.

The Network of Palestinian NGOs increased its interest and efforts in this regard in the aftermath of the Palestinian general elections in 1996 and again after the inauguration of the Palestinian Legislative Council. The Network of Palestinian NGOs proposed its own draft law, accompanied by a campaign and lobbying with Legislative Council members, to persuade them to adopt it in the Council. Another draft law proposed by the Executive Authority to the Legislative Council seems to favor the government's proposal, although it incorporates specific points from the NGOs' proposal. By July 30, 1998, the draft law was passed on the second reading in the Council. According to Palestinian law, the draft law must be sent to the President for ratification and amendment within one month. A third reading will take place if the Council receives comments from the President within one month. The Council failed to receive any such comments from the President's office, making it unclear whether the law would be passed or subjected to further change.

Throughout the stages of passing this law, the Network of Palestinian NGOs was very active in persuading Council members to adopt its views. This case provided a model for the work of civil society organizations and demonstrated how they can play an effective role in influencing the decision-making process, especially in terms of laws and legislation. PCHR praised the efforts of the Legislative Council members and the wide range of NGOs for their efforts to adopt a new law that would contribute to the strengthening of civil society and give independence to NGOs. PCHR was pleased that the draft law passed on the second reading left out many of the areas that were criticized in the first draft. Indeed, relatively speaking, it is superior to relevant laws in other Arab countries.

Following the second reading of the draft law, PCHR asserted that four principles are of the utmost importance in promoting the activities of NGOs and strengthening Palestinian civil society.

1. Pluralism is a basic element of a democratic system, which includes, *inter alia*, legislation for the presence and acceptance of a wide range of independent NGOs protected from the intervention of the central

government. The more constitutional and legal protection against government intervention provided for NGOs, the more able they will be to play an effective role in civil society.

2. The efficiency of the work of NGOs depends on how democratically they are structured.
3. NGOs are not private or profit-making institutions. As such, principles of transparency and accountability before government and community should be implemented in regard to their activities.
4. It is almost impossible to promulgate a comprehensive law providing a legal framework for all categories of NGOs. It is understood that the proposed draft law is designed only to regulate the work of such NGOs, which are based on membership. Other categories may need another law or even laws to replace the current legal framework.

The Failure to Hold Local Elections

The year witnessed another failure in the democratic transformation in Palestine due to the failure to hold Local Council elections. Up till now there are appointed councils in all Palestinian municipalities in the West Bank and Gaza Strip. The Palestinian Authority started preparing for these elections in 1997 after it approved the Local Councils' Election Law on December 16, 1996. On January 10, 1998, President Arafat issued a decree to form a General Committee for the Election under the direction of Dr. Saeb Erekat.

The PA decided not to hold elections under the justification of the blocked peace process and the non-implementation of the re-deployment stages that were agreed upon with the Israeli government. At that time, PCHR expressed its concern that this local election would not be held during 1997 and that the appointments made by the PA to the Local Councils would be more than temporary appointments. Now 1998 has gone by without holding local elections. This represents a failure in the process of democratic transformation of Palestine and in establishing democratic institutions in Palestine.

Continued Restrictions on Freedom of Expression and Publication

During 1998 the PA continued imposing restrictions on freedom of expression and press and adopted a group of measures to restrict citizens in expressing their opinions and pursuing their right to information. In addition to what has been mentioned in some parts of this report concerning the arrest of hundreds of citizens due to their political beliefs or opinions, the year witnessed restrictions placed on journalists; indeed, a number of journalists were arrested or summoned to police stations, and

many press offices were closed by the Palestinian police. These measures not only contradict international standards for human rights, but also contradict the Press Law that was issued by the PA in 1995.²⁹

On October 23, 1998, President Arafat, Prime Minister Netanyahu, and President Clinton signed the Wye River Memorandum on continuing the implementation of the Interim Agreement articles. This memorandum had a significant negative influence on freedom of expression, especially when the measures that the PA committed itself to adopt in order to fight “violence and terrorism” are taken into consideration. Simultaneous to the signing ceremony for the Wye River Memorandum, the Palestinian police arrested a number of journalists and adopted additional measures that restrict freedom of expression. By the beginning of November 1998 the PA adopted new measures that restrict the work of foreign correspondents in the areas that are under its jurisdiction as a means to isolate them and prohibit them from contacting the opposition parties’ leaders. On November 19, 1998, Presidential Decree Number 3 for 1998 regarding “supporting the national unity and prohibiting terrorism and violence” was issued. This decree has dangerous and negative implications for freedom of expression and press.

Restrictions on Journalists’ Work

1. On August 29, 1998, members of the Palestinian police beat Munier Mahmoud Abu Riziq, 23 years old from Gaza City, who was working with *Al-Hayaa* newspaper and is a member of the Administrative Board of the Journalists Union. Abu Riziq informed the Centre that he was beaten by more than 10 policemen as a result of his attempt to attend a court session to charge two military men. Moreover, he added that he was subjected to insulting curses.
2. On September 13, 1998, Palestinian police held Saber Ibrahim Nour Eddin, 19 years old from Gaza City, who was working as a photographer in the French Press Agency. He was held for about 11 hours. In the information he gave the Centre he mentioned that at 5:30 in the evening of Saturday, September 12, 1998, a number of policemen stopped him while he was trying to get in his car beside Al-Jundi al-Majhoul in Gaza after he had finished photographing events at the peaceful gathering called by the Detainees’ Family Committee (for prisoners in PA prisons). One of the policemen asked the journalist to give him the photographs from the peaceful gathering but the journalist vehemently refused. The policemen then asked him for his journalist card and his personal identity card. After

²⁹ Even the Press Law of 1995, which all parties called the PA to commit itself to, is not considered the ideal law to protect the right of expression and publication. PCHR criticized this law strongly. In this regard, see the study that was published by PCHR under the topic of “Critical Comments on the Palestinian Press Law of 1995.”

they checked it, a policeman asked the journalist to go to the police department if he would like to get the cards back.

At 10:30 a.m., Sunday, September 13, 1998, the journalist Nour Eddin went to the police department where he was transferred to the criminal investigation department. He was held there until 10:00 p.m., at which time he met Brigadier Talal Abu Zeid (Head of Criminal Investigations in the police department). According to the information received by PCHR, Brigadier Abu Zeid accused him of throwing stones at the policemen and claimed that he had videocassettes that showed him throwing stones at the policemen. Nour Eddin rejected the claim, saying it was not correct, and asserted that he was only a journalist doing his job. After that, Brigadier Abu Zeid asked Nour Eddin to sign a commitment in which he expressed his willingness to work within the Palestinian law and to come to the police station at any time asked to by the police. The journalist Nour Eddin signed the commitment and was released at about 10:30 p.m. on Sunday, September 13, 1998. Nour Eddin mentioned that he was not subjected to torture or cursing during the time he was held.

3. During the signing of the Wye River Memorandum, the Palestinian police adopted new measures to control the freedom of expression and to prevent the opposition from publishing its opinions about the Memorandum. At 9:30 p.m. on October 23, 1998, the Palestinian police controlled the junction of roads leading to the house of Sheikh Ahmed Yassin, the spiritual leader of the Islamic Resistance Movement (Hamas), and held a number of journalists working for foreign press agencies. Among them were 11 Palestinian journalists and one foreign journalist. The Palestinian police prohibited the journalists from conducting an interview with Sheikh Ahmed Yassin. In addition, the Palestinian police held the photography equipment and confiscated all the video and recording cassettes that were with the journalists.

A number of journalists informed the Centre that they were held in the police department until the middle of the night and were informed that it is prohibited to conduct any personal interviews unless there is previous approval from the Criminal Investigation Department of the Palestinian police. The Palestinian Centre for Human Rights strongly condemned such measures adopted by the PA.³⁰ In addition, the Palestinian Journalists' Association issued a press release in which it expressed its rejection of such measures, considering them as clear violations of all norms and laws, including those that were promulgated by the PA. In addition, the Association called for a peaceful sit-in for all journalists and called for a strike by the journalists. As a result of the intervention of the Presidential Secretary

³⁰ See pages 87-88 of this report for the October 24 press release by the Centre that provides further information about this case.

General Tayyeb Abdel Rahim, the matter was mediated and the strike stopped shortly after it began.

4. On December 18, 1998, the Palestinian police arrested eight journalists, including Deputy Chair of the Journalists' Association Zakharia Talmas, during their covering of a peace march that condemned the American/British strike on Iraq. Anyone who had photography equipment was arrested. The journalists were held in a room in the police station that was labeled: "Branch for Protecting Public Morals." All the journalists were released after three hours and their equipment was confiscated by the police. Some of them were asked to sign commitments in which they agreed to not photograph anything that might damage the appearance of the PA. On December 30, 1998, a meeting between the head of the police, General Ghazi Al-Jabali and representatives from the Association was held. In that meeting, Al-Jabali expressed his regret about the irresponsible behavior that was adopted by the police against the journalists and he promised not to let such behavior take place again. Finally, a deal between the Journalists' Association and Al-Jabali took place in which the two sides agreed to use the Press Law of 1995 as the basis for organizing the relationship between the two sides. As a result, the Association announced its breaking of the strike.

Closing Licensed Press Offices

1. On April 9, 1998, the Palestinian police closed the office of Reuters News Agency in Gaza City, and forced the journalist Taher Shritah and four of his colleagues in the office to sign a document in which they committed themselves to not dealing with the Agency for three months. The closing of the office was due to its distribution of a video cassette in Jerusalem in which the citizen Adel Awadallah, a member in Izz Eddin El-Qassam, the military wing of Hamas, rejected the accusation of the PA that he participated in assassinating Mouhie Eddin Al-Sharif
2. On August 3, 1998, the Palestinian police forces confiscated a number of copies of the bi-weekly newspaper *Felestinuna* which is published by the Youth Movement of Fateh. According to one of the officials in the Youth Movement this measure was taken by order of General Ghazi Al-Jabali, the head of the Palestinian police, after the newspaper criticized him due to a problem that occurred between him and members of the Preventive Security Service.
3. On December 18, 1998, the Palestinian police forces closed three press offices after they covered a popular demonstration condemning the American and British strike on Iraq. The press offices closed included the Associated Press Office, the Gaza Center for Television Broadcasting, and Jaffa Press Office.

Press Releases on the Continued Restrictions Placed on the Press and Freedom of Expression

March 18, 1998

The Centre issued a press release about the decision of the High Court taken in its meeting of March 15, 1998 to commit the Palestinian police to re-open the *Al-Risalah* newspaper office. The newspaper was closed by the Palestinian police on September 4, 1997, and was opened again on December 4, 1997 after a telephone call from Tayyeb Abed El-Rahim, the Secretary General Secretary of the Presidency. Although there was an order to re-open, the Centre continued to follow up the issue in order to get a ruling from the judiciary that the measures taken by the police were illegal.

The decision of the court was the result of an appeal made by the Centre to the High Court asking the Attorney General to clarify the reason for the ongoing shutting down of the news office without legal justification. The lawyer of the Centre in his appeal asserted that the closing of the news office occurred without an order from the Attorney General and all the measures that were taken or adopted against the news office were illegal, especially as the Press Law of 1995 asserts in Article 42 that a specialized court has to examine and check all the cases that relate to the violation of the law itself. Furthermore, the Attorney General has to take responsibility for the investigation.

April 13, 1998

The Palestinian Centre for Human Rights issued a press release about the closing of the Reuters Office in Gaza on April 9, 1998 by the Palestinian police and the forcing of journalist Taher Shritah and four of his colleagues that were working in the same office to sign a document committing themselves not to deal with the Reuters Agency for three months. The agency office had distributed in Jerusalem a cassette showing an interview with Adel Awadallah rejecting the accusation of the PA against him that he was responsible for the assassination of Mouhie Eddin Al-Sharif. The Centre's press release called for the re-opening of the agency as the closing of the office took place without legal measures and in contradiction to the Press Law of 1995. Article 42 of the Press Law of 1995 asserts that the Attorney General, and not the police, has responsibility for investigating all possible violations of the law.

October 24, 1998

PCHR issued a press release about the denial of access for journalists to conduct interviews with opposition leaders. The press release mentioned that at the time of the commencement of the Wye Memorandum signing

ceremony, Palestinian police took new measures to restrict freedom of expression and to prevent opposition groups from publishing their views on the agreement.

Around 9:30 p.m. on Friday, October 23, Palestinian police forces sealed off all the roads leading to the house of Sheikh Ahmed Yassin, the spiritual leader of the Islamic Resistance Movement, Hamas. A dozen journalists working with foreign press agencies were escorted to the police headquarters in Gaza City. The 12 journalists, 11 of whom were Palestinian and one a foreigner, were all prevented from conducting interviews with Sheikh Yassin.

According to the press release, PCHR was informed by a number of these journalists that they remained at the police headquarters until after midnight. Furthermore, their camera film and their recordings were confiscated. They were informed by the police that no such interviews are allowed unless prior permission from the police department is given.

In the press release, PCHR condemned the step taken by the Palestinian police as it constitutes a grave violation of both the individual right of expression and the right of the press to publish and receive information. The right of expression is a basic right guaranteed by international conventions regarding human rights. Moreover, freedom of expression is the cornerstone for the building of a democratic society.

November 7, 1998

PCHR issued a press release about the PA's imposition of additional restrictions on the freedom of expression and press. The Centre expressed its deep concern about the new measures adopted by the PA earlier this month to regulate the activities of the foreign press in areas under its jurisdiction. PCHR believes that such measures contradict relevant Palestinian laws and constitute further restrictions on the right to freedom of expression and the right to the freedom of the press. Indeed, PCHR fully supports the stand taken by the Palestinian Journalists' Association and the Palestinian Ministry of Information against the new measures. Furthermore, PCHR calls for the PA to cancel such measures and revert back to the previous satisfactory measures.

On November 2, 1998, in order to regulate the work of foreign correspondents, the General Information Office of the PA issued the so-called Executive Regulation Number 9, based on a presidential verbal directive. According to Article 4 of the regulation, "the office grants press cards to accredited correspondents and their aides (both foreigners and locals), entitling them to movement in PA areas."

According to Articles 5 and 6, the Authority's Press Department will be responsible for coordinating the entry of foreign correspondents or press delegations conducting special missions. It will be responsible for advance organizing of appointments for the press with Palestinian officials. According to Article 10 of the new regulation, the Press Department should be informed of a press delegation's time of arrival not less than 48 hours in advance. The Press Department will provide services for foreign media agencies, including appointing one employee to accompany each delegation. In reaction to several critiques by foreign press agencies, Ziad Abd El-Fattah, the head of the office, said that the whole affair is no more than a new regulating process, according to which the agency will be responsible for providing services for foreign journalists, regulating their entry and exit into PA areas and facilitating their missions in an appropriate manner, to guarantee their movement does not contradict security measures related to the PA's interest. Abd El-Fattah added that many media agencies were recently noticed inciting against the PA and that the new regulation would in fact guarantee the free movement of foreign journalists and at the same time protect the PA from incitement.

The Palestinian Ministry of Information issued a press release on November 3 which asserted that the PA's relationship with local and foreign journalists is the sole jurisdiction of the Ministry and that no formal decisions have been issued to the contrary. In another press release, the Ministry said that it is the only contact reference with foreign journalists and that Regulation Number 1 of 1996 issued in accordance with the Palestinian Press Law of 1995 is the only legal framework that can establish contact between the PA and foreign journalists. This preserves journalists' rights to carry out their activities in conformity with relevant laws. The Ministry demanded that foreign journalists should disregard any other regulations issued by any other irrelevant agency. Furthermore, in a letter addressed to a number of Palestinian officials, Mr. Yasser Abed Rabbu, the Palestinian Minister of Information, asserted that the new regulation issued by the General Information Office was out of the office's jurisdiction. He added that it contradicted Palestinian laws and regulations, damaged the reputation of the PA, and transformed it into an oppressive, intelligence authority that restricts the movement of foreign correspondents. The Minister announced that such new measures are null and void and the office has no jurisdiction to issue them.

The General Information Office was established by Presidential Decree Number 41 of February 12, 1996, as an independent public office in the President's Office. The decree mentioned nothing about the jurisdiction and authority of the office. Accordingly, PCHR expressed the following:

1. These new media regulations come as part of the measures carried out by the PA since the signing of the Wye River Memorandum (the Palestinian, Israeli, and American agreement of October 23, 1998) in order

to impose more restrictions on the freedom of expression and increasing censorship on the press. At the same time as the signing of the Memorandum, the Palestinian police detained 12 Palestinian and foreign journalists and prevented them from conducting an interview with Sheikh Ahmed Yassin (the founder and spiritual leader of Hamas) and confiscated their videotapes. The journalists were informed that such interviews should be approved by the police in advance. Later that day, Sheikh Ahmed Yassin was put under house arrest and his telephone line was disconnected, isolating him from the outside world. Furthermore, the PA launched massive waves of arrests that swept up more than 150 people in the Gaza Strip alone, including leaders, members, and supporters of the Islamic movements (which oppose the agreement).

2. The relationship between the PA and foreign press agencies and their correspondents is under the jurisdiction of the Ministry of Information, according to the Press Law of 1995 and Regulation Number 1 of 1996 (Regulation of the Correspondents of the Foreign Press). PCHR believes that the interference of any other body is illegal and that the new regulations issued by the General Information Office are null and void.
3. Despite the critical reservations expressed by the Palestinian human rights community on the Press Law of 1995, the PA has never been satisfied with the restrictions imposed on the freedom of expression and press which are implied in this law. In practice, the PA has in fact taken other restrictive steps in defiance of the law, including the closure of newspapers and summoning of journalists to police stations, and sometimes even detention of journalists. These measures threaten freedom of the press in a dramatic way.
4. It seems that the current restrictions on the freedom of expression and press are no longer enough, as the latest measures reveal a new, unprecedented phase that will be characterized by more restrictions. It is clear that the new measures aim at isolating opposition leaders and at ensuring that no voice is heard other than the voices of the PA and supporters of the Wye River Memorandum.
5. PCHR believes that the new measures undermine one basic pillar of the democratic foundation, since no democracy can be achieved without freedom of expression and press.
6. These new arrangements not only undermine the freedom of the press and add more restrictions on the freedom of expression, but they constitute a major threat to the livelihoods of local journalists, especially those working in press offices that provide logistical services for the international media. Such services will from now on be provided by the PA through the General Information Office.
7. PCHR calls upon the PA to cancel these new measures and return to the previous arrangements which were more than sufficient to regulate the entry of foreign correspondents into PA territory. PCHR also warns of the dramatic consequences of the new measures on the democratic process and the efforts to establish a democratic system in Palestine.

December 3, 1998

On December 3, 1998, the Centre issued a press release expressing its concerns with the presidential anti-incitement Decree Number 3 of 1998. The press release mentioned that on November 19, 1998, Palestinian Chairman Yasser Arafat issued Decree Number 3 of 1998 regarding “strengthening national unity and preventing incitement.” The decree specified a number of acts that would be considered illegal and punishable by law. These acts included incitement, racial discrimination, the use of violence, and incitement to violence in a manner damaging to Palestinian relationships with foreign countries. Moreover, the decree prohibits the formation of illegal associations and incitement to violate agreements signed between the Palestine Liberation Organization (PLO) and foreign countries.

The presidential decree is considered to be part of the Palestinian Authority’s commitment resulting from the Wye River Memorandum of October 23 signed by the PLO, Israel, and the United States. Under the agreement, the Israelis have no “reciprocal” responsibility to change their relevant laws. PCHR warned at the time of the negative consequences of the Memorandum, especially the security aspects, and once again called on all parties not to violate human rights during the implementation of the peace process. PCHR strongly believes that a just peace will not be achieved by violating basic human rights.

The Palestinian Authority issued this decree in accordance with its commitment to the Wye River Memorandum, but Israel nonetheless continues its incitement against the Palestinian people and the PA itself. The Israeli government, including the prime minister and foreign minister, continues its incitement by urging the Israeli settlers in the West Bank and Gaza Strip to take over more Palestinian land for settlements.

PCHR received the new presidential decree with surprise and expressed its concern with it for the following reasons:

1. The Palestinian Authority issued this decree in contradiction to the laws governing the area. The decree constitutes a grave breach of the jurisdiction and authority of the Palestinian Legislative Council (PLC). According to Article 28 of the Constitutional System of 1962 (which is valid in the Gaza Strip), the Executive Authority is entitled, in the absence of the Legislative Council, to issue orders with the power of law in cases that cannot be postponed. Such orders, however, shall be brought before the Legislative Council as soon as the Council is re-convened. The article is intended only to allow the legislative process to continue with certain urgent matters when the Legislative Council is not convened. Yet this does not mean in any way that the Executive Authority can assume for itself the responsibilities of the Legislative Council

2. It is well known that the PLC has been working in its third session since March 1998. The Council finished its annual vacation on October 20, a month before the presidential decree. Accordingly, PCHR believes that there is no legal justification for issuing this decree, with the power of law, especially as it relates to basic freedoms and rights. Indeed, as the Council was in session, this can only be seen as a usurpation of the proper role of the legislative branch by the executive branch. Quite simply, the executive branch had no right to make such a decree.
3. All acts pronounced as outlawed by the decree are already illegal, prohibited, and punishable by current Palestinian laws valid in the West Bank and Gaza Strip. In fact, the Palestinian Authority has inherited a significant amount of law and legislation promulgated in the area by the Ottoman rule earlier this century, the British Mandate, and the Israeli occupation. In each of these areas there were laws that prohibited acts such as incitement, violence, and illegal association. Most of these laws constitute a grave breach of political and civil rights and are imposed on the region by alien powers to guarantee maximum control. PCHR believes that the new decree added very little of significance to the already existing restrictions.
4. The only new element in the decree is that it considers illegal any incitement to violate agreements between the PLO and foreign countries. This very specific issue raises legal arguments regarding whether such agreements are valid in the West Bank and Gaza Strip. International agreements become part of local law after ratification by the legislative branches of each country. Neither the Palestinian National Council (the legislative branch of the PLO) nor the PLC have ratified such agreements in order to bring them into alignment with local law. In addition to this, the decree is very broad when we consider that hundreds of agreements have been signed between the PLO and foreign countries in the last 30 years. As the majority of Palestinians do not know about these agreements it is very possible that a citizen may violate one of these agreements without being aware of it, unless the meaning is restricted to the Interim Agreements with Israel.
5. In addition to this, it is not clear what is meant by incitement to violate agreements. It is not clear what the borders are between acts of incitement and opposing the Interim Agreements and expressing opposing political views on the Wye River Memorandum. We believe that the line between the freedom of expression and incitement must be clarified.
6. The pre-amble of the decree contradicts the contents. It relies on the 1979 Revolutionary Penalty Law of the PLO. This law was not promulgated in the West Bank and Gaza Strip by a presidential decree prior to the establishment of the Legislative Council in 1996 or by the Council itself after that time. Legally speaking, PCHR believes that this law is not valid under the current legal system in the area. In addition to this, the 1979 Revolutionary Penalty Law implies incitement against a foreign country (Israel). This may result in confusing citizens even more. Indeed, merely to

state what is mentioned in the Revolutionary Penalty Law could itself be considered as incitement against Israel.

In the press release, PCHR calls upon the PA to cancel this decree, to respect the principle of the separation of powers, and to assure that the executive branch does not exceed its powers. Furthermore, PCHR expresses its surprise at the lack of reaction and the silence of the Legislative Council toward this case and the limitations it puts on its legislative role.

Finally, PCHR expressed its concern that at the very same time, the Council took no steps to make sure that the Palestinian Basic Law, passed in the third draft in the Council in October 1997, was put into effect.

December 19, 1998

On December 19, 1998 the Centre issued a press release about the arrest of four leading members of the Popular Front for the Liberation of Palestine (PFLP) and eight journalists, including the head of the Palestinian Journalists' Association, Zakharia Talmas. The press release mentioned that the Palestinian police also closed three press offices. The police measures were taken in the aftermath of a peaceful march against the American-British bombardment of Iraq and to express solidarity with the Iraqi people. Palestinian police broke up the march and many of the participants were beaten. PCHR expressed its deep concern with the behavior of the Palestinian police. The action of the police constituted a basic violation of human rights, especially the right to freedom of speech and peaceful assembly.

Yesterday's arrests took place after a public event marking the 31st anniversary of the PFLP. The PA had even authorized the event marking the anniversary. Dozens of leading representatives of political parties, members of the PLC, and more than 3,000 citizens were present. All of the speakers strongly condemned the American-British bombardment against Iraq and participants burned American flags. Such flag-burning was irritating to the PA. After the event, around 4:30 p.m., participants marched from Nasser Street toward the Legislative Council building. The march was led by leading figures of Palestinian parties and by members of the Legislative Council.

The press release mentioned that Palestinian police broke up the march and closed the roads to participants. Only members of the Legislative Council and a number of the other political leaders were able to cross the barriers. Other participants attempted to cross, but they were prevented by the police and beaten with truncheons. This contributed to the deterioration in the situation. Some of the participants began throwing stones at the police. The police responded by shooting tear gas canisters. The unrest lasted for about

30 minutes and by 6:00 p.m. the situation was quiet after PLC members and political leaders intervened to contain the strife.

The press release added that eight journalists were arrested by the police while they were covering the event. Anybody with a camera was arrested. The journalists were transferred to the police headquarters and placed in a room designed for people who had transgressed moral standards. At 8:00 p.m., all the journalists were released, but their materials were confiscated. Some of the journalists signed a pledge of not photographing or videotaping “actions that may damage the reputation of the PA.”

The PA clearly felt politically embarrassed by people under its jurisdiction organizing marches hostile to the United States in which the American flag was burned. Even in the United States, however, flag-burning remains a legal act protected by the First Amendment of the United States Constitution.

Later, PCHR was informed that the police closed three press offices in Gaza City. The closed offices were the Gaza Center for Television Broadcasting, the office of the Associated Press, and Jaffa Center.

In another escalation of tension, the police arrested four leading members of the PFLP. The arrested members were Jamil Majdalawi, a member of the PFLP Politburo, the Palestinian National Council (PNC), and the Palestinian Central Council; Kayyed Al-Ghoul, a member of the Central Committee of the PFLP and a member of the PNC; and Dr. Rabah Mohana and Walid Al-Ghoul, both leading members of the PFLP. All of these people were arrested around 7:00 p.m. in front of the entrance to the Legislative Council. The police approached the four leaders while they were in the Council and informed them that they were all invited to drink coffee with Talal Abu Zeid, head of police investigations. The invitation, however, soon turned into an arrest once they were all outside of the Legislative Council. Three of them were released after three hours, while the fourth, Walid Al-Ghoul, remained under arrest.

Finally, PCHR in the press release expressed its deep concern about the behavior of the Palestinian police and the violation of the basic rights of citizens, especially the freedom of speech and peaceful assembly. PCHR called upon the PA to:

1. Immediately release Walid Al-Ghoul;
2. Re-open the three press offices which were illegally closed without due process (according to the 1995 Palestinian Press Law the police have no right to close press offices as a specialized court is required to examine such cases first and the Attorney General is entitled to investigate in each case); and

3. Lift restrictions imposed on journalists and ensure that they are allowed to carry out their work freely. In this regard, PCHR expressed solidarity with the Palestinian Journalists' Association. The Association condemned the actions of the police against the journalists, which included their detention in a room for the protection of public morality (a very grave insult). Those people arrested have made many contributions over the years to the Palestinian cause. It causes serious damage to their reputations to be maltreated in this way.

Economic, Social, and Cultural Rights Unit

At the beginning of October 1997, the Centre established the Economic, Social, and Cultural Rights Unit. This unit was set up due to the need to highlight these rights through research and studies. PCHR attempts to advance such rights in Palestine in accordance with international standards and laws, particularly the International Covenant on Economic, Social, and Cultural Rights which was adopted by the United Nations General Assembly in 1966. The unit aims at providing recommendations through which these rights can be integrated with the Palestinian situation. In addition, the unit reviews legislation and related draft laws to ensure their harmony with international standards. The unit also aims at securing the data that is necessary for individuals to develop plans and to implement programs and policies in a way that does not contradict international standards and law.

The interest of PCHR in economic, social, and cultural rights dates back to the beginning of 1995, the year of the Centre's establishment. At that time, the work on such rights revolved around two fundamental matters. The first was to provide legal assistance for citizens in cases related to these rights. The second was to publish the Closure Update documenting the effects of the Israeli policy of closure on the economic, social, and cultural rights of the Palestinians in the Gaza Strip. In April 1997, the Palestinian Centre for Human Rights, in cooperation with Al-Haq, published a joint study about housing rights. With the establishment of the new unit, the work in these two areas continues with the support of new members of staff, especially research members.

Study on the Right to Health Services in the Gaza Strip

In November 1998, PCHR published a study entitled "Health in the Gaza Strip: Between Realities and Ambitions." This study was a serious attempt to investigate some of the basic aspects of economic, social, and cultural rights by evaluating health services in the Gaza Strip and the extent to which citizens enjoy these services.

The study showed how the weak infrastructure of the Gaza Strip negatively affected its health service and how the organized policies and measures of

the Israeli occupation forces negatively affected the infrastructure, especially water, sewage, housing, solid waste, and other matters. Such matters have negative effects on the Gazan public and increase the risk of disease among them. The study focused on the deterioration in the water situation for drinking and washing due to the level of salinity being higher than the accepted international level.

The study asserted that despite the political events that took place in 1993 between the PLO and the government of Israel, the Gaza Strip is still suffering from a deterioration in the economic and social conditions. There has been a deterioration in the health of Gazans in the last three years due to the policy of closure imposed by the occupation forces on the Gaza Strip. This policy led to the death of six Gazans as a result of the Israeli occupation prohibiting them from passing through Israeli areas to receive medical treatment unavailable in the Gaza Strip. The health situation of hundreds of people deteriorated as a result of this Israeli policy against Gazans.

The study highlights the health services in Palestine that are provided by various parties (the PA, UNRWA, NGOs, and the private sector). The study followed the developments that took place in these services from the beginning of the transfer of health from the Israeli side to the PA. The study concluded that there have been no visible or real improvements in the health services in the last five years. The study mentions that the unfair geographical distribution of the hospitals in the Gaza Strip, where most of the hospitals are concentrated in Gaza City, negatively affects the equitable provision of health services to all citizens. The study concluded that it is necessary to restructure the secondary health services provided to Gazans and to focus on establishing new institutions in the areas that lack these services. The study refers to the fixed number of beds in the hospitals, despite the fact that the population is increasing at an accelerated rate. It also mentions the ineffective effort to open the European hospital and the weakness of the government sector in its failure to increase the number of beds in the governmental hospitals. Only 21 beds were added in the governmental hospitals in 1997. The opening of Al-Amal hospital in Khan Younis and Al-Awda hospital in Jabaliya were necessary additions. These hospitals were constructed with the assistance of non-governmental organizations (NGOs).

The study acknowledged the developments that took place in the primary health care service in the Gaza Strip. It pointed out, however, that there has been a significant shortage in the number of doctors in primary health care, particularly in the governmental sector. The study also mentioned that there has been an increase in the daily workload of the doctors in UNRWA. This matter negatively affects the quality of the primary health care service it provides.

The study illuminated the problem of the permanent deficit in the budget of the Health Ministry over the last four years, which reached 59.7 percent of the real budget in 1995, 49.2 percent of the estimated budget in 1996, and 54.1 percent of the budget in 1997. The study predicted that this deficit in the budget would increase in the budgets of the coming years in light of the Health Ministry's expectation regarding expenditures and revenues. The reason for this deficit is attributed to unequal distribution of the budget articles; for example, the increased rate of expenditure on wages and salaries and the increased expenditure on medical supplies at the same time that there has been a decrease in revenue. The study concluded that now more than ever before, the Health Ministry requires an evaluation of its expenditure and revenue in order to develop a clear financial policy that aims at decreasing the deficit in its budget and limits unjustified expenditures.

The study mentioned the aspects of administrative and financial corruption that were exposed in the Public Monitoring Commission Report and the report of the Palestinian Legislative Council regarding the Ministry of Health and asked for measures to be taken against anyone involved in corruption and abuse of power.

Also, UNRWA was warned not to decrease its health services for Palestinian refugees, especially within the context of the deterioration in the economic and social situation of citizens. UNRWA was requested to improve the service it provides to the refugees through making more effort to secure the necessary funds for increasing its services. Improved service should continue until such time as the refugee problem is concluded based on UN resolutions, especially UN Resolution 194. The study asserted that UNRWA is now requested to secure the necessary budget to finance its health service for the refugees in the Gaza Strip since this is clearly its responsibility. Until this happens, UNRWA must not, under any circumstances, back away from its commitment to these refugees.

The final recommendation of the study was to unify the efforts of all sources that provide health services in the Gaza Strip, in order to draw up a national health strategy in Palestine based on the idea that the right to health care is universal. Moreover, the study requested that the Ministry of Health in cooperation with others, develop an immediate health initiative based on real and effective participation at different levels. The study summarized a group of points that have to be taken into consideration. Among these points are:

1. To assess the current health services in the Gaza Strip in order to determine the factors that obstruct the implementation of health rights and citizens' enjoyment of the maximum level of mental and physical health. An evaluation of the violations that were practiced in this regard during the years of Israeli occupation and the influence of these violations on the

health situation would be essential to developing a clear mechanism to help overcome these health violations.

2. To develop a national health plan based on the idea that the right to health is a basic human right. In this respect, all parties involved in health services must participate in drafting such a plan.

Legal Assistance Provided by the Centre Regarding Economic, Social, and Cultural Rights

The Legal Unit followed up citizens' complaints that related to social and economic rights. The legal unit followed up more than 30 complaints in 1998. Among these complaints were:

1. Eleven complaints against the Ministry of Health and various governmental hospitals. Three of these complaints related to the death of patients in Al-Shifa Hospital in Gaza. The unit received a response from the Ministry of Health that there was no negligence by the hospital doctors in the three cases.
2. Nine complaints were provided to PCHR against the Ministry of Housing. Four of these were provided by citizens living on governmental land for tens of years. Their houses were demolished without giving the inhabitants alternative accommodation. The Ministry gave a negative response to three of these complaints and the fourth case was compensated.
3. Three complaints were made against the Public Personnel Office (Diwan El-Muwazafeen). The three cases were related to financial debt and governmental recruitment.

Press Releases about Economic, Social, and Cultural Rights

June 23, 1998

PCHR issued a press release expressing its outrage at the behavior of a number of Palestinian officials and policemen toward mothers of Palestinian detainees in Israeli prisons. The women were physically and verbally abused at the Ministry of Finance and at the headquarters of Palestinian Television on June 15 and June 16, 1998.

Around 60 women, who are the mothers, wives, and sisters of Palestinian detainees in Israel, approached the Ministry of Finance on June 15 to meet with the Minister of Finance, Zuhdi Nashashibi, and to demand their monthly stipends, which were ten days overdue. Although the Ministry had issued their checks on June 5, the women were unable to cash them at the post office due to a lack of funds in the account.

Mrs. Hamduma Wishah, the mother of Jabber Wishah, who is serving a life sentence in the Israeli jail of Nafha, testified to PCHR that the women were prevented from entering the building to meet with the Minister. She added

that she was beaten by a policeman, fell down, and was knocked unconscious. When she regained consciousness, she found herself upstairs in the Ministry building where she was subsequently beaten by another policeman, who kicked and punched her. Shahira Mustafa Abu Al-Najar, mother of Haitham Abu Al-Najar, who is serving a 15-year sentence in Nafha prison, testified to PCHR that her right arm was broken after a Palestinian policeman beat her with his weapon in front of the Ministry of Finance.

In another development, Hisham Macki, Director of Palestinian Television, arrived at the Ministry and promised the women that he would intervene on their behalf, in order to secure their payments. He asked the women to follow up with him the next day at the headquarters of Palestinian Television. Mrs. Wishah testified to PCHR that she arrived at the scheduled time with eight other women to meet with Mr. Macki. They were met by an employee of Palestinian Television who prohibited them from entering the building and verbally abused them. Despite this attack, they informed him of their meeting with the director. In another testimony, Najat Al-Falouji, mother of Dia Al-Falouji, who is serving a life sentence in Nafha prison, informed PCHR that the employee abused her and attempted to run her over with his car.

October 19, 1998

PCHR issued a press release warning of the disastrous results that might emerge from the Ministry of Health's financial crisis. The press release mentioned that in a very dangerous development and in a direct threat to the lives of the people, the Ministry of Health on October 15, 1998 decided to restrict the performing of any surgery in all government hospitals in the West Bank and Gaza Strip. Only urgent surgery would be allowed and any other surgery would be postponed indefinitely until the financial crisis was solved and the hospitals were re-supplied with the necessary surgical items. Available figures show that 991 major surgeries and approximately 544 minor surgeries take place in Gaza on a monthly basis.

The Ministry of Health supervises 13 hospitals and 260 medical centers in the West Bank and Gaza Strip. All the activities of the Ministry are under threat. This is a very dangerous development as the health services in the West Bank and Gaza Strip could collapse.

The reason behind this is that the Ministry of Finance has not paid the money allocated to the Ministry of Health, which amounts to 65 million NIS for this year and approximately 30 million NIS from last year. As has been decided, the Ministry of Finance should transfer 14 million NIS per month to the Ministry of Health. However, between January and the day of this press release it has transferred only 64 million NIS.

This financial crisis resulted in the inability of the Ministry of Health to buy necessary items from medical suppliers, which has led to an acute shortage of medicines and other medical supplies that the Ministry of Health has been lacking for the last three months. Consequently, this has pushed the Ministry to use its strategic storage medicines and according to estimates, there are now more than 500 medical items unavailable in the Ministry.

These developments pose potential dangers that threaten the lives of Palestinians and the collapse of the whole medical system. Consequently, PCHR is appealing to the President of the PA to intervene to remedy the situation and punish those responsible.

PCHR is also demanding that:

1. The Ministry of Finance should transfer immediately the allocations to the Ministry of Health so that it can carry out its services toward the people. Nothing can justify the position of the Ministry of Finance since the amount of money that is being paid by the people as fees for health insurance and other fees totals 135 million NIS. If this money were transferred to the Ministry of Health, this would contribute significantly to solving the financial crisis.
2. The Palestinian Legislative Council must take firm steps to intervene to stop the financial crisis. It is not at all acceptable that the situation is widely deteriorating without any firm and sharp intervention from the Legislative Council. The situation demands the cooperation of the Executive Authority in opening a comprehensive investigation into this matter and in bringing to public attention all the findings as soon as possible.

A Letter to the Minister of Higher Education

On July 9, 1998, PCHR sent a letter to Dr. Hanan Ashrawi, then the Minister of Higher Education in the PA, asking her to do her best to overcome the student crisis in the Gaza branch of Al-Quds Open University. The letter was of critical importance because it related directly to efforts to democratize the student movement. The crisis resulted from the denial of the students' right to hold elections at the scheduled time and as the result of unfortunate events which took place inside the university campus on June 27, 1998. As a result, Preventive Security intervened and arrested one of the students on June 29, 1998. At the time PCHR wrote the letter, the problem persisted and the future of the educational process in the university had deteriorated as had the value of Palestinian education. Years of student struggle had led to the development of a democratic student movement and the creation of an atmosphere of pluralism, but this was being jeopardized by the events at Al-Quds Open University.

The Development of the Crisis

- At 1:00 p.m. on June 27, 1998, an unfortunate event took place inside the Gaza branch of Al-Quds Open University during a peaceful gathering organized by the student blocs, except Fateh Youth Movement. Tension arose among a number of students considered to be members of the Fateh Youth Movement and members of other blocs, especially the PFLP and Hamas. As a result, five students were injured and some of them were taken to Al-Shifa Hospital to receive medical treatment.
- The event took place as a result of the student blocs' (except the Fateh Youth Movement) request to dissolve the Student Council because its term had expired. They called for a new election. The student blocs had discussed the matter of holding elections more than one time, but had not reached agreement. Accordingly, the student blocs, with the exception of the Fateh Youth Movement, requested from student affairs officer Suleiman El-Dirawi (a former member of the Student Council and former officer in the Youth Movement) that he dissolve the former Council and hold new elections. They failed to receive a response from him.
- On June 10, 1998, the student blocs, with the exception of the Youth Movement, held a meeting with Dr. Yacob Nashwaan, the manager of the Gaza Educational Area of the University. Based on the discussion that took place in the meeting, Dr. Nashwaan ordered the officials in the student affairs office to conduct a meeting with the representatives of the student blocs to discuss the matter. The meeting was held on June 17, 1998, and included a representative of the student parties and a representative of the Student Council, but the meeting finished without reaching any agreement about the date for holding the election. It was agreed, however, that the minutes of the meeting would be forwarded to Dr. Nashwaan. On June 20, 1998, the officials in the student affairs office forwarded the minutes to Dr. Nashwaan, who added his opinion that "It's a good effort and should be kept in the election file." He mentioned that the decision to hold the election was in the hands of the president of the university.
- Accordingly, on June 21, 1998, the student blocs faxed Dr. Sufiyan Kemal, the university president and Dr. Younis Amr, the student affairs dean in the university, to explain the problem to them and to ask them to determine a time for holding the election.
- On June 22, 1998, a day in which Dr. Younis Amr was in the university, a representative of the Popular Front and a representative of the Islamic bloc tried to hold a meeting with him, but he refused. He justified his refusal by saying that he did not have enough time on his schedule, although he did conduct a meeting with representatives of the Student Council and the Fateh Youth Movement. On the next day, a representative of the student blocs tried to meet Dr. Amr, but he refused for the same reason. While he was leaving the university at 2:00 p.m. he told the representatives of the PFLP and Islamic blocs who asked him about the

exact day of the election that it had been deferred to an unknown date. He justified this by saying that the university was busy in constructing new buildings and installing new equipment. As a result, they asked him to dissolve the current Council and to form a temporary Council to administer student affairs, but he answered them by saying, “It’s better to live 1,000 days under the government of a dictator than to live one day without any government.” He then left.

- On June 24, 1998, the student blocs, with the exception of the Fateh Youth Movement, issued a press release clarifying the problem. Before distributing this press release, the representatives of the student blocs went to the official for student affairs to forward it to him and to ask permission to distribute it. The official refused to give them permission to distribute it even before reading it. As a result, the student blocs did not commit themselves to his decision and started to distribute the press release in a way that led to tension and fistfights between members in the Student Council on one side and the students who distributed the press release on the other side. On the same day, the student movement, with the exception of the Youth Movement, protested through a letter to Dr. Yacob Nashwaan.
- On June 26, 1998, the Student Council issued a press release answering the student blocs’ press release. On the same day, these blocs sent letters clarifying the events in the university. These letters were sent to a number of PLC members and political parties, institutions, and public personalities, asking them to intervene and find a solution to the problem through mediation.
- On June 27, 1998, the mentioned student blocs decided to organize a peaceful gathering on the university campus to protest against the undetermined date of the election and asked a number of Palestinian Legislative Council members, political parties, institutions, and public figures to attend the peaceful gathering. Although the university administrative board refused to permit the peaceful gathering, it nonetheless began at 1:00 p.m. with participation by PLC members, including Dr. Kemal Al-Shrafi, Dr. Musa Za’bout, Mr. Yousef Al-Shanti, and Dr. Ziad Abu-Amr. At 1:05 p.m., the president of the Student Council intervened and asked the gathered students to leave, but they refused. Although Dr. Al-Shrafi asked the president of the Student Council not to intervene since this was not part of his work, but the work of the university administration, but he insisted on intervening nonetheless. The official for student affairs also asked the students to leave and to remove all the posters since they were considered illegal. As a result of the tension from these requests, more students gathered in the place while other young people who were not students in the university arrived and participated in heightening the tensions to the point of fistfights between rival student groups. As a result, the glass of one of the university windows was broken and five people were injured and had to be treated at Al-Shifa Hospital. During this

time discussion between a number of the leading persons in the political powers took place, and after 30 minutes the situation was controlled and the tension dissipated. At a later time, Dr. Nashwaan arrived to the university and held a meeting on the matter in his office. A number of the PLC members, a representative of the political powers, a representative of the Youth Movement, and the Student Council president all participated in the meeting. The meeting concluded with accepting a suggestion to form a committee from the student blocs' leading persons in the Gaza Strip to discuss the case and to try to mediate it during the next 24 hours.

- On June 27, 1998, the university administrative board issued an administrative order in which it prevented the distribution of all press releases and publications from any bloc if such distribution took place without permission. This order was not limited only to prohibiting the distribution inside the campus, but also to prohibiting the distribution of the information by other means as well.
- On June 29, 1998, the Preventive Security Services summoned some of the leading members of the student blocs. The following names are the names known by PCHR of summoned students:
 1. Ghassan Ali Al-Aqra' from Jabaliya camp who is a leader of the Popular Front bloc. The mentioned student did not go to them at the specified time and the matter was mediated after an intervention by the Popular Front.
 2. Ibrahim Salah from Jabaliya camp who is an activist in the Islamic bloc. He was arrested on July 4, 1998.
 3. The student Moein Abu Ankal from Jabaliya camp who is an activist in the Islamic bloc. The student was interrogated and later released.

In a later development, the administration of the university sent a warning to 13 students from the university on July 11, 1998 in a step attempting to ban them from their right to stand for the election when it is eventually held. On July 12, 1998, the student Ibrahim Salah was released. On July 15, 1998, the students who received the warning from the university administration issued a press release for the public clarifying the following:

1. A warning had been sent without forming an investigation committee to determine the reason for the events and the people who participated in them.
2. Some of the names that were mentioned in the warning were not at the university when the events happened and one of them proved without any doubt that he was at his place of work on the day in which the events happened. This forced the university administration to delete his name from the list of names included in the warning. In addition, it was proven that one of the students was paraplegic and did not participate in the events.
3. All the students who received the warnings belong to different student blocs and no warning was sent to any student from the Fateh Youth

Movement which, according to the press release, is the basic reason for the problem.

At the end of their press release, the students demanded the formation of an investigation committee to examine the events. They also demanded the implementation of the Student Council constitution and the punishment of all those who violated this constitution.³¹

Women's Rights Unit

The Women's Rights Unit was established in the Centre at the beginning of May 1997 for a period that could be renewed after a comprehensive evaluation of the work experience of the unit. By the end of the unit's first year of work on April 30, 1998, and after an evaluation of the unit's work, it was decided to establish the unit permanently as one unit among the other units of the Centre. The Women's Unit is working on two basic programs; the first is the legal aid program and the second is the research and legal awareness program for women. These two programs are considered of great importance for women and are in accordance with their needs and the expectations of the Centre. The legal aid program has been found to be particularly worthwhile. In fact, PCHR is the only organization in the Gaza Strip that provides such legal services for women. The unit also participates in all activities and programs that are organized by Palestinian women's organizations and institutions.

Legal Assistance Program for Women and Women's Organizations

This program is aimed at providing legal assistance for women and women's organizations. Such legal assistance includes the following:

1. Providing legal consultation;
2. Representing women in the *Sharia*' Courts (cases of family law);
3. Providing legal assistance for jailed women; and
4. Providing legal assistance for women's organizations.

The legal assistance is normally provided through a female lawyer in the unit. The other lawyers in the Centre provide their assistance when necessary. As regards the legal assistance in *Sharia*' legal aid, such assistance is provided by a lawyer specialized in family law, who has been working on such matters since October 1997. Most of the indications show that there is an increase in women's demand (from different areas of the Gaza Strip) to receive such services.

During 1998 the unit followed up more than 110 cases, with an average of 7-10 cases per month. One of the reasons that increased the willingness of

³¹ Elections at Al-Quds Open University were held finally on November 11, 1998.

women to come to this program is the coordination that took place between the *Sharia*’ Court and the unit to transfer the cases that had humanitarian implications to the unit. Also, coordination took place with women’s organizations. This coordination aimed at transferring all the cases that need legal intervention. At the same time, the unit transferred cases that needed social or psychiatric assistance.

The cases that were followed by the unit in the *Sharia*’ Court included alimony, determining custody, child visitation rights, separation, and other financial rights of women following divorce.

The following table illustrates the kinds of personal affairs issues that were followed by the Women’s Rights Unit.

Alimony	Funds to wife for having provided childcare	Rights to see the children	Custody rights	Separation	Financial rights of the woman following divorce	Obedience	Total
54	4	9	11	12	15	5	110

In addition to this, the unit provided a number of legal consultations for women’s organizations in the civil and personal affairs issues. Through its work in the legal assistance issues the unit succeeded in achieving a number of court decisions taken by the court for the first time. The most prominent cases of these are as follows:

1. Ms. N.B.

She married when she was 14 years old to one of her relatives and lived in her husband’s house for four years without giving birth to any children. Her life was full of family and personal problems with her husband because of her living with the family of her husband. Before she came to the Women’s Unit asking for assistance she had left her husband’s house for four years and appealed to the *Sharia*’ Court asking for alimony and other financial rights from her husband (the cost of house furniture). After she got the decision from the court in her favor, the husband appealed to the court asking for his right of obedience. He won this decision from the court and when the wife refused to accept the decision the husband appealed to the court asking for implementation of the decision. He won another decision against his wife stopping the alimony. The court also pronounced her “nashez” (meaning that she cannot re-marry while the problem still exists). The “nashez” decision continued for a period of more than one year. During that time, the woman tried to introduce her case to public opinion. The Women’s Unit followed up and took responsibility for the case, succeeded in getting a decision from the *Sharia*’ Court to cancel the “nashez” decision, and got a new alimony arrangement for the woman.

2. Mrs. N.H.

This case can be summarized as following: the husband of the woman had been arrested for more than three years without having any Palestinian court decision on his cooperation with the Israeli occupation forces. For a long time prior to this the wife had wanted a divorce. The *Sharia*' Court was not able to separate the two because under the Oslo Agreement the PA cannot prosecute known collaborators. Normally, to obtain a court decision backing separation, the woman would need a court decision specifying how long her husband would be in prison. Historically, in cases where there is no decision specifying the period of time of imprisonment, the court cannot do anything as there is no legal foundation through which it can base its decision for separation. The Women's Unit intervened and took responsibility for the case. It succeeded in getting a decision from the *Sharia*' Court to grant a separation between Mrs. N.H. and her husband. This was the first time such a decision had been made by the court and it must be recognized that it came within the context of the very complex situation created by Oslo prohibiting prosecution against even the most well known collaborators.

3. Mrs. B.Q.

She is an old and ill woman with five sons, all married, and all refusing to support her financially and provide her with the care she needs. The woman tried to get a decision of financial help through the *Sharia*' Court, but she failed to win the decision because she did not know the proper legal procedures. After she asked for legal assistance from the Women's Unit she got a decision imposed on her sons. The sons are required to pay to her 150 Jordanian dinars per month, which is considered a large sum compared with other previous and similar situations.

4. Mrs. L.H.

Her husband died and left her with two children. The father of her husband forced all three to leave the house given to her by her husband. In addition, the father-in-law prohibited the wife and children from taking a sum of money inherited from her deceased husband. The woman came to the Women's Unit for legal assistance to get financial support for her children from their grandfather. She succeeded in winning the decision against the children's grandfather since he is considered the nearest male relative of the children and as such he is the person who has to finance the children according to *Sharia*' law.

5. Ms. F.A.

When she and her husband divorced she was forced to leave her child who was only a few months old. In addition, Ms. F.A. was prohibited from seeing her child until he became nine years old. During this time he did not know that he had a mother other than the new wife of his father. The woman was transferred to the Women's Unit by the Women's Rehabilitation Program of the Gaza Community Mental Health Programme in order to help her in getting a court decision to see her child. The woman

won this decision despite the opposition of her former husband and his second wife. Due to this decision the child learned of the existence of his birth mother.

Research and Legal Awareness for Women

From its formation, one of the most important goals that the Women's Unit has aimed to achieve is the upgrading of the status of women's rights and helping women understand the legal rights that they have guaranteed to them by local and international law. The unit believes that women's understanding of their rights is vital for them to secure their rights and is a basic step toward ending all the discrimination and abusing factors against women in Palestinian law. The unit prepared a series of legal booklets in order to help women in understanding basic legal aspects concerning women's rights, including laws pertaining to personal issues. Also, the unit organized lectures for enhancing the status of women's rights. These lectures aimed at the following:

1. Raising legal awareness, especially in family law;
2. Developing a relationship between the Women's Unit and women's organizations, and encouraging women to benefit from the free-of-charge services provided by the unit;
3. Providing legal consultation in the field for women with lawyers of the unit

Legal Awareness Lectures

During 1998 the unit conducted 19 legal awareness lectures from which 845 women and girls from different areas in Gaza benefited. Through coordination with the social services unit (women's program departments) in UNRWA during the period of February 8 to April 13, 1998, the unit organized 10 lectures in the women's activity centers of UNRWA. Six hundred women and girls benefited from these lectures. Through coordination with women's grassroots organizations in the Gaza Strip, the unit organized nine lectures in different areas in the Gaza Strip between July and November 1998 from which 245 women and girls benefited.

Details on Legal Awareness Lectures

Number	Date	The Center's location	The targeted group (ages)	The number of people attending lectures
1	8/2/98	Jabaliya	14-27	62
2	11/2/98	Beit Hanoun	15-55	105
3	15/2/98	El-Daraj	15-40	65
4	17/2/98	Shati	14-24	63
5	22/2/98	Khan Younis	14-30	55
6	24/2/98	Rafah	15-40	54
7	28/2/98	El-Bureij	15-50	58

8	24/3/98	Nusiraat	14-30	50
9	30/3/98	Deir Al-Baleh	15-40	43
10	13/4/98	El-Maghazi	15-50	45
Total				600

**Lectures on Legal Awareness for Women in Coordination with Women's
Grassroots Organizations**

Date	The Women's Organization	Place	Number of people attending	The targeted group (age)
16/7/98	Union of Women's Work Committees, North Gaza Branch	Jabaliya	25	15-50
23/7/1998	Union of Women's Work Committees, North Gaza Branch	Beit Lahya	15	15-55
30/7/1998	Union of Women's Work Committees, North Gaza Branch	Al-Qarama	40	15-55

2/8/98	Union of Women's Committees for Social Work, East and West Gaza	Al-Sabra	30	20-54
12/8/98	Union of Women's Committees for Social Work, East and West Gaza	Zaytoun	20	15-40
15/8/98	Union of Women's Committees for Social Work, East and West Gaza	Sheikh Ajleen	30	15-50
2/9/98	Union of Women's Committees for Social Work, East and West Gaza	Sheikh Radwan	20	20-45
12/9/98	Union of Women's Committees for Social Work, East and West Gaza	Sheikh Ajleen	30	15-55
12/11/98	Union of Women's Work Committees, North Gaza Branch	Al-Qarama	35	20-50
Total			245	

The lectures that were carried out by the Women's Unit in the Women's Activity Centers of UNRWA in the period of February to April 1998 proved to be very successful. It became clear during these lectures that there is a real need to upgrade women's legal awareness and to provide them with greater legal aid. Consequently, an agreement was concluded between the Women's Unit and the Women's Program of UNRWA. This agreement revolved around providing legal consultation and lectures in regard to upgrading women's legal awareness. The meetings were held for six months in the Women's Activity Center on Al-Daraj Avenue in Gaza City. The unit prepared a program of legal lectures in addition to providing for legal consultation and following up the cases that are in urgent need of legal intervention by the Women's Unit.

The unit provided its legal consultation and legal lectures from the beginning of October 1998 through the end of the year and into 1999. The lecture program was as follows:

Number	Date	Program
1	12/10/98	Introduction
2	19/10/98	Providing legal consultation
3	26/10/98	Lecture on family law (marriage)
4	2/11/98	Lecture on the effects of marriage contracts
5	9/11/98	Lecture on divorce
6	23/11/98	Lecture on results of divorce
7	30/11/98	Lecture on inheritance

8	7/12/98	Lecture on making wills (<i>wasseyya</i>)
9	14/12/98	Lecture on the International Convention on the Elimination of All Forms of Discrimination against Women
10	21/12/98	Lecture on women and violence
11	28/12/98	Lecture on the mechanism of implementing the decisions of <i>Sharia</i> ' Courts

Due to the success of this program, the women's programs in UNRWA are working with the unit to discuss the possibility of expanding it. This matter will be discussed in 1999.

Women's Legal Guide

This is a group of booklets that introduces the legal articles implemented in the Gaza Strip regarding women's issues such as family law. These booklets are written in straightforward language, taking the form of questions and answers. Each booklet specializes in discussing one issue or group of legal issues that is of concern. The unit distributed these books widely. They are distributed to women during the lectures on legal awareness and are given to women's organizations as well. During 1998 the unit published three booklets:

1. Marriage (January 1998)
2. Divorce (April 1998)
3. Inheritance (October 1998)

Currently, the unit is working on publishing more booklets during the next year, covering other issues regarding family law and Palestinian law. This subject is related to personal affairs law and other Palestinian laws. In addition, the unit is preparing to cover subjects that are related to the international standards concerning women's rights.

A Workshop about the Procedures of *Sharia*' Courts

On May 7, 1998, the Women's Unit organized, in cooperation with the Women's Rehabilitation Program of the Gaza Community Mental Health Programme, a workshop titled "The Problems Confronted by Women When They Ask for Separation." The workshop held in the Centre aimed at introducing the problems that emerge in the *Sharia*' Court. Among these problems is the difficulty that women face in proving the harm they receive from their husbands, the ambiguity of the articles that are related to separation, and the difficulty of the procedure in the *Sharia*' Court. The workshops were attended by the representative of the Chief Justice for the *Sharia*' Court, Mahmoud Salama, a number of *Sharia*' Court judges, and *Sharia*' lawyers. The workshop tried to find an effective solution to the mentioned problems through a group of recommendations it made.

Unit Participation in a National Campaign to Increase the Age of Marriage to 18

Through an initiative from the Women's Affairs Team and with the participation of a number of jurists and women's organizations, the Women's Rights Unit in the Centre participated as a representative of PCHR in the national effort to increase the marriage age to 18. This effort aimed at pressuring the decision-makers to increase the age of eligibility for marriage. Within this context, a number of meetings and workshops were organized to determine appropriate mechanisms for pressuring decision-makers and mobilizing the public to achieve this goal. The unit participated in this meeting and expressed its readiness to take part in this effort.

Unit Participation in the Campaign to Fight Violence against Women

The Women's Rights Unit participated in this campaign jointly with UNIFEM and the Working Women's Society, in addition to a number of jurist and women's organizations. The effort aimed at raising awareness of issues pertaining to violence, especially violence against women and girls. Within this context lectures were organized to discuss the legal, psychological, and social implications of the violence phenomenon. The unit participated in these lectures and focused on the violence from a legal and human rights point of view. The effort began on November 25 and continued until December 10, 1998.

Unit Intervention with Formal Institutions

1. The unit's effort achieved great success in solving complaints confronted by women. This was done, in part, through contacts made with other concerned institutions. Among the qualitative achievements for the year were the participation of Mrs. Hanan Matar in a training session organized by the Women's Affairs Staff-Gaza under the topic of "Management and Planning for Women Who Are in Manager Positions in Women's Organizations" in the period from June 24 to October 3, 1998.
2. The unit sent a letter to the Minister of Social Affairs regarding women's rights to see their sons in police centers. This letter came after the unit learned lessons from a similar problem regarding the rights of women to see their children following separation from their husbands. As many women had complained that the place for visiting at the police station was unsuitable, the unit asked the Ministry to find suitable visiting places under its supervision. In response to this letter, the unit received a letter from the Minister of Social Affairs suggesting the places that could be provided by it for mothers to visit their sons instead of at the police stations. The unit is

currently investigating such locations in coordination with the Ministry and the *Sharia*' Court.

3. The unit appealed to the representative of the Chief Justice of the *Sharia*' Court regarding alimony to a woman and her children. The unit based its appeal on the fact that most of the *Sharia*' Court decisions regarding alimony are limited by a level of 50 Jordanian dinars for the wife and 20 Jordanian dinars for the children, without taking into consideration the differences in income between different men and possible changes in the financial situation of the husband. Although Article 59 from the Family Rights Law of 1954 asserts that the judge should determine alimony according to the financial situation of the husband, in fact, his situation has often not been taken into consideration by the *Sharia*' Court as most of these decisions are taken without investigating the husband's finances. After an appeal, the court started to find out the situation of the husbands and accordingly decided the amount of alimony.

THE CENTRE'S RELATIONSHIP WITH LOCAL SOCIETY

The Centre paid a good deal of attention to the connection with the local environment at both the popular and the formal level. The Centre believes that developing such connections is important for protecting human rights and enhancing respect for these rights. During 1998 the Centre was active at different levels in this regard, including the following:

Strengthening Relations with the Local Community and Expanding the Number of Beneficiaries

The Centre believes that enhancing its relation with the public depends basically on the size and the kind of services that the Centre provides for the public without discrimination. Accordingly, the Centre continued delivering its direct and indirect services to the public during 1998. Moreover, it was able to achieve a qualitative improvement in the style in which these services were delivered to the marginalized segments of the society. There were two types of services provided by the Centre: 1) delivering legal aid for the victims of human rights violations and their families; and 2) raising the people's awareness of human rights and democracy.

Legal Aid for Victims of Human Rights Violations

The Centre provides this service through two basic units, the Legal Unit and the Women's Rights Unit. The Legal Unit provides its services to victims of human rights violations, victims of the abuse of authority, and victims of illegal administrative practices and measures at two levels – Israeli and Palestinian. This is done either through legal consultation or through direct intervention with the concerned authorities, including governmental institutions, commissions, and the judicial authority. During 1998 the unit followed up its work at the Israeli level in the following areas: 1) the Palestinian detainees in the Israeli jails; 2) the freedom of movement to and from the Gaza Strip; and 3) the land confiscation by Israel. At the Palestinian level the unit followed up in the same period on the following subjects: 1) the detainees in the Palestinian prisons and detention centers; and 2) the complaints of the people against the Authority resulting from the abuse of authority and illegal administrative practices.³²

Regarding the Women's Rights Unit, it provides its legal aid for children and women who are victims of human rights violations, especially the violation of family law, either through legal consultation or through direct

³² For example, the Centre specializes in providing free legal service for citizens in compensation issues in which complaints are filed against the Palestinian Authority or any other institution that is working under the PA. During 1998 the Centre followed up two cases in which citizens were shot at by members of the Palestinian security forces on July 15, 1997.

intervention with the concerned institutions and organizations, including the *Sharia*' Court. In fact, the Centre is the only organization in the Gaza Strip that provides such services for women.³³

***Raising Public Awareness on Human Rights and Democracy:
Developing a Training Program***

During 1998 the Centre continued raising public awareness of human rights and democracy based on its belief that the knowledge of these rights is a crucial factor that contributes to human rights protection. Moreover, the Centre developed a special program for training with targeted groups from different segments of society as a means to participating in creating an effective cadre able to enhance such norms. In addition to this, the Centre distributed its publications to wide segments of the society in order to make them aware of the latest developments in the human rights situation. It also participated in public awareness campaigns through its initiatives and by coordination with other local and international institutions in the Gaza Strip.³⁴ Moreover, the Centre has a specialized library on human rights and law that is open to the public. Students, researchers, and people concerned with human rights and democracy can borrow these books free of charge.

Regarding the training program, it is implemented by an internal effort from the Centre staff. Senior staff from the Democratic Development Unit, the Economic, Social, and Cultural Rights Unit, the Legal Unit, and the Women's Rights Unit are cooperating in implementing this program. In addition, experts from outside the Centre are invited to participate and to render help and assistance. During 1998 four training sessions were organized in which 94 people participated. At the end of each session, the participants were awarded a special certificate from the Centre.

- 1) During the period from April 20 to May 4, 1998, the Centre organized a training session for Al-Azhar University students of political science. Twenty-four students participated in a session which involved 20 hours of lectures in different subjects to enhance awareness on human rights and democratic values.
- 2) During the period from September 20-28, 1998, the Centre organized a training session on democracy and human rights for NGO employees. Seventeen trainees representing 14 NGOs in the Gaza Strip participated. The session highlighted different subjects in human rights and democracy with a focus on the criteria related to the work of the NGOs and the activities of civil society. The session involved approximately 24 working hours distributed over eight working days.

³³ For more details about the activities carried out by the unit in this regard, see pages 104-107 of this report.

³⁴ In this regard, see pages 107-110 of this report about the upgrading lectures that were carried out by the Women's Rights Unit in different areas of the Gaza Strip.

- 3) During the period from November 8-15, 1998, the Centre organized a training session on democracy and human rights focusing on lawyers who are members of the Palestinian Bar Association as the targeted group. Twenty-eight lawyers participated in this session, which focused particularly on special subjects relevant to practicing law, the role of the lawyer in defending and achieving justice, and enhancing the accepted international criteria for the independence of the judiciary. The session was 21 hours long.
- 4) During the period from November 28 to December 5, 1998, the Centre organized a training session on human rights and democracy focused on journalists and the workers in the media. Twenty-one participants were involved in the session. The session continued for 21 training hours and was coordinated with the Journalists' Association. It focused on different subjects that have a relationship to the press and the freedom of expression and publication.

Building Relationships with Other Palestinian NGOs and Civil Society

Palestinian NGOs played a special role in the struggle for independence and freedom during the years of the occupation. With the establishment of the PA on part of the Occupied Palestinian Territories, the role of these organizations in the nation-building and democratization process increased. Civil society institutions, including NGOs are considered a basic foundation for any democratic society and an important means for achieving democratic transformation. Accordingly, the Centre pays great concern to working with the NGOs and participates in efforts that aim at enhancing its professional aspects and independence. The Centre is a member in the Palestinian NGO network which is an independent, local framework including tens of the most active and professional NGOs. In addition, the Centre has a coordinated relation with tens of NGOs in which opinions and expertise are exchanged. Finally, the Centre is involved in joint projects and activities with other NGOs and dedicates itself to providing legal services to all Palestinian NGOs.³⁵

Perhaps one of the most successful joint projects during the last two years was the establishment of the Palestinian Forum of Education for Development. The forum was established in the Gaza Strip in 1997 on the initiative of four NGOs, the Ministry of Youth and Sport, and the World Refugees' Children. The founding NGOs are as follows: the Palestinian Centre for Human Rights, YMCA in Gaza, the Women's Affairs Center in Gaza, and the Free Thought and Culture Center in Khan Younis. In addition, Save the Children and UNICEF participated in the forum as

³⁵ In this regard, see pages 107-110 of this report for further information on the lectures to upgrade awareness on the legal rights of women that were carried out by the Women's Unit in cooperation with NGOs.

observers. The first outcome of the work of the forum was the establishment of the Canaan Institute in 1997. The Institute concentrated its work on developing human resources as a means to achieving sustainable development.³⁶

Participation in Workshops and Local Conferences

Another aspect of PCHR work is the enhancement of relations with the local environment through its involvement in different activities that are organized locally, including lectures, workshops, and conferences. These activities are organized by NGOs, political parties, or governmental institutions. The most important activities that the Centre participated in were as follows³⁷:

- 1) On February 24, 1998, Ebtissam Zaout, a researcher in the Democratic Development Unit³⁸ participated in a workshop about children's rights agreements conducted by Canaan Institute, within the context of its long program of orienting activists from the administrative personnel of commissions, institutions, social programs, and educational and cultural programs. In this workshop, Zaout introduced the Convention on the Rights of the Child of 1989. She introduced the history and importance of the agreement and compared it to the actual situation of Palestinian children.
- 2) On June 13, 1998, Khalil Shaheen, a researcher in the Economic, Social, and Cultural Rights Unit, participated in a session to prepare the cadre for the special camps for disabled people. The session was organized by the Ministry of Youth and Sport, and was conducted in the Society for the Physically Disabled. In that workshop, Shaheen discussed the rights of the disabled. Seventy people participated in the lecture. Shaheen presented the international standards related to the rights of disabled people and introduced the circumstances that disabled people in the Gaza Strip face.
- 3) During the period from January to June 1998, Hamdi Shaqura, coordinator of the Democratic Development Unit, participated in a series of workshops about democracy. The workshops were conducted in a number of clubs and youth centers in different areas of the Gaza Strip. These workshops were a part of the programs of the Palestinian Center for Dissemination of Democracy and Community Development

³⁶ In July 1998 Centre volunteer Celine Richard (from France) prepared a report to evaluate the participation of the Centre in the Palestinian Forum of Education for Development and the educational Canaan Institute. The report had the methodology of a questionnaire, interviews with all the participants in the forum, and follow up of the activities that were carried out by the participants. The report offered its results and recommendations for the Centre and the other participants. It mentioned that all the participants believe that it is of great importance for the Centre to devote significant effort to developing the programs of the Canaan Institute, particularly those programs focused on human rights and democracy.

³⁷ In this regard, see pages 107-110 of this report for further information on the lectures that were conducted by the Women's Rights Unit in cooperation with women's organizations.

³⁸ Starting on August 1, 1998, Ebtissam Zaout moved from being a researcher in the Democratic Development Unit to working as the coordinator of the Field Work Unit.

(PANORAMA) and were coordinated with the Ministry of Youth and Sport.

- 4) On July 8, 1998, Hamdi Shaqqura was the guest of Wednesday Dialogue, which is organized weekly by Canaan Institute. The meeting was conducted under the title of “The Basic Freedoms: The Freedom of Expression and Thought.” Shaqqura introduced in his speech the importance of freedom of expression and thought in the democratic political system and democratic society. He also introduced international criteria relevant to these two freedoms. Then he presented the Palestinian situation and focused on the obstacles that restrict people from enjoying these rights. At the end of his speech a discussion and debate took place.
- 5) On July 16, 1998, through an invitation from the Ministry of Youth and Sport, Hamdi Shaqqura delivered a lecture about democracy in front of more than 80 teenagers who were participating in a summer camp sponsored by the Ministry. This lecture came within the context of the Centre’s work of raising public awareness about democracy. In this lecture, Shaqqura focused on the basic elements of democracy as a system and style of life, including participation in decision-making processes and basic freedoms. He asserted that democratic elements are characterized by a universality that cannot be subject to negotiation or bargaining under the justification of cultural relativity or any other reason. At the end of the meeting a debate between the participants took place and focused on the most important problems that face democracy in Palestinian society.
- 6) On August 18, 1998, Raji Sourani, the Director of PCHR, through an invitation from the Ministry of Information and the Negotiation Affairs Department in the Palestinian Authority, participated in a workshop conducted in Shawa Cultural Center. In that workshop, Sourani presented a paper with the title of “Prospects for NGOs’ Reactions if a Palestinian State is Proclaimed.”
- 7) On September 7, 1998, through an invitation from Canaan Institute, Hamdi Shaqqura delivered a lecture on civil society and its role in enhancing democracy. In the lecture, Shaqqura focused on the meaning of civil society and distinguished between the role of the government in democratic societies where there is little interference by the government in the work of NGOs and the role of the government in undemocratic societies where there is a tendency toward control of all aspects of life. The government in such undemocratic societies always tries to control all the civil society institutions and to restrict their freedom and work. After that, a debate between the participants on the particularity of the Palestinian case took place. The participants agreed that there is a necessity to work at upgrading the degree of independence of the civil society.
- 8) On September 12, 1998, through an invitation from the General Information Office, Raji Sourani participated in an open meeting for discussing the death penalty and its influence on Palestinian society. The meeting was organized in Shawa Cultural Center and came as a result of executing the first death penalty against two brothers after they were

accused of criminal killings by a military court.³⁹ In his dialogue, Sourani mentioned the stand of human rights activists and organizations which reject the death penalty. This position is supported by many countries and has resulted in the cancellation of the death penalty in all the European countries. He questioned the benefits of implementing the death penalty in Palestine, mentioning that this penalty was not imposed during the Egyptian administration, except in one case in 1965. In his introduction of the case of Al-Khaldi and Abu Sultan families and the decision of the military court to implement the death penalty on three members of the Abu Sultan family, Sourani mentioned a number of points, among which were: A) the court which was formed was a military and exceptional one, and the way it was formed does not encourage respect and confidence in it; B) the court did not have the minimum level of legal and judicial checks and the court took its decision so quickly that justice could not be said to have been achieved; C) the law that was implemented in the court (the Revolutionary Penalty Law of 1979) is illegal since this law was not adopted by the Legislative Council and was not issued by a presidential decree; D) this event is a precedent-setting one that is very dangerous and that could in the future become politicized for use against the political opposition; and E) this matter undermines the Palestinian civil judiciary and its independence.

- 9) On October 11, 1998, through an invitation from the Student Council of Al-Azhar University, Ebtissam Zaquout, participated in a workshop under the title of “Women and the Future.” This workshop was conducted in the university. In the workshop, Ebtissam delivered a lecture about women in international agreements. In the lecture, she mentioned women’s status in the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social, and Cultural Rights of 1966, and the Convention on the Elimination of All Forms of Discrimination against Women of 1979. At the end of the lecture a debate between the participants took place.
- 10) On November 21, 1998, through an invitation from the Art College of the Islamic University in Gaza, Raji Sourani participated in a workshop about human rights. The workshop was conducted in the university. In the workshop, Sourani presented the historical development of human rights concepts and then he introduced the Israeli violations of Palestinian human rights. Moreover, he mentioned in his talk the human rights circumstances in the PA’s area.
- 11) On November 25, 1998, through an invitation from Canaan Institute, Raji Sourani delivered a lecture with the title of “The State of Law and Right.” Twenty trainees participated in the lecture. This lecture came within the context of the second week of training for the Canaan Institute and concerned the role of the social activist in building a democratic Palestinian society.

The Relationship of the Centre with Palestinian Authority Institutions

³⁹ See in this regard, pages 63-65 of this report.

Since its establishment in 1995 the Centre has worked at enhancing the positive dialogue between it and Palestinian Authority institutions. This effort came as a result of the Centre's belief in the role of Palestinian civil society in participating in achieving the inalienable rights of the Palestinian people. The Centre supports all international and local efforts that aim at building an independent Palestinian state dominated by a democratic political system that respects human rights. Within this context, the Palestinians see that it is of great importance to establish a network of professional relations with the Palestinian government institutions, including the legislative, executive, and judicial authorities, and to enhance the positive and constructive dialogue with them.

THE ACTIVITIES OF THE CENTRE AT THE REGIONAL AND INTERNATIONAL LEVEL

During 1998 the Centre continued its regional and international activities aimed at respecting human rights in the Occupied Palestinian Territories and at participating in the efforts that aim at achieving the Palestinians' inalienable political rights. One aspect of Centre work during 1998 focused on securing the *de jure* application of the Fourth Geneva Convention of 1949 in the Occupied Territories. A second aspect of Centre work involved intervening with UN bodies to explain and show the Israeli violations of Palestinian human rights. In addition, the Centre participated in many of the international activities related to such matters. At the same time, it continued in enhancing its relations with effective institutions at the regional and international level. Within this context, the Centre received scores of governmental and non-governmental delegations. Moreover, the representatives of the Centre met with many journalists and representatives of local and international news agencies. During these meetings, the Centre provided a comprehensive explanation of the human rights situation in the Occupied Palestinian Territories.

All Centre publications, including press releases, research, and reports, are translated into English and distributed internationally.

The Work of the Centre to Secure the *de jure* Application of the Fourth Geneva Convention in the Occupied Palestinian Territories

In a significant development, and in an overdue response to Palestinian demands, the UN General Assembly adopted resolutions RES-10/2, RES-10/3, RES-10/4, and RES-10/5, which once again defined Israel as a belligerent occupying power gravely violating the provisions of the Fourth Geneva Convention through its legal and administrative practices and measures. The Assembly also stated that the Fourth Geneva Convention is *de jure* applicable to the Occupied Palestinian Territories, including East Jerusalem and the rest of the Arab territories under Israeli military occupation. As a result of Israel's continuous refusal to fulfill its legal obligations under the Convention, the UN General Assembly has asked the High Contracting Parties (HCPs) to the Fourth Geneva Convention to convene a conference regarding the applicability of the Convention to the Occupied Palestinian Territories, including Jerusalem. This conference would also aim to ensure that the HCPs respect their obligations under Article 1 of the Convention. The UN General Assembly also asked the government of Switzerland, as a depository of the Convention, to take the necessary steps to convene a meeting of experts to determine how best to follow the recommendations stated in resolution RES-10/4. This meeting should occur as soon as possible, and no later than the end of February 1998. The UN General Assembly also has asked the Swiss government to

invite the PLO to participate in the conference and any preliminary steps related to the conference. The Swiss government contacted the HCPs and the PLO, but failed to convene the meeting because, as claimed by the Swiss government, consensus was not reached by the HCPs. It was very clear that both the Israeli and the U.S. governments wanted to avoid such a conference at all costs, claiming that the conference would prejudice the peace process between the PLO and the government of Israel. The government of Switzerland supported this stance, and avoided implementing the resolution under the force of American and Israeli pressure

These contacts with the concerned parties resulted in the following events:

First, on April 29, 1998, a meeting took place in Bern between representatives of the Swiss government and the Palestinian Authority for the purpose of exchanging views on a Swiss proposal to convene a quadrilateral meeting. This meeting, which would simultaneously be a meeting of experts, would include the PLO, the Israeli government, the Swiss government (as the depository of the Convention), and the International Committee of the Red Cross (ICRC). Representatives of the PA have affirmed that any such meeting should deal with the *de jure* applicability of the Fourth Geneva Convention.

Second, on May 27, 1998, the Swiss government, through its representative office in Ramallah, sent to the PA a draft of a proposal titled "Diplomatic Note," which outlined Swiss plans to implement the relevant resolutions. This proposal suggested a private, quadrilateral meeting (to be held from June 9-11, 1998) which would be aimed at "examining measures and mechanisms which contribute to the effective application of the Fourth Geneva Convention in the Occupied Palestinian Territories." The Swiss government considers its proposal for this meeting to be an appropriate step given its mandate from the UN General Assembly. In the next phase, the proposal states a meeting of experts "should proceed to an analysis of the general problems concerning the Fourth Geneva Convention and seek possible remedies which would contribute to respect for the Convention (in general, and in particular in the Occupied Territories)." Clearly, the Swiss intend for the meeting not to specifically address the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories. The discussions would be informal and result in a report by the chairman.

Third, the PA responded to the Swiss proposal as it contained prejudices in its formulation, in its treatment of the resolutions, and in its planned agenda. The Swiss government responded to the PA's comments by modifying some of the points within the proposal. The Swiss government, however, refused to acknowledge that the meetings should deal with the applicability of the Fourth Geneva Convention to the Occupied Territories of Palestine.

The Swiss plan contradicts the letter and spirit of the relevant UN resolutions. The Swiss government is authorized to request that the HCPs convene, however, it is apparently no longer neutral and no longer committed to performing its legal duties. Its current actions seem guided by pressure from the United States and Israel. The governments of these two countries have encouraged Switzerland to pressure the PA to accept “its” proposals or else accept responsibility for the failure of the HCPs to convene.

PCHR followed up these developments during 1998 and dedicated its efforts to aborting the Swiss initiative for a limited conference; instead, PCHR applied pressure to hold a meaningful conference of HCPs.

PCHR Memorandum on the UN Recommendation for HCPs to Convene

On June 6, 1998, PCHR prepared a memorandum that was sent to all concerned parties in which PCHR asserted the following points:

First, the UN General Assembly resolution calling for the HCPs to convene in order to fulfill their obligations to apply *de jure* the convention to the Occupied Palestinian Territories is of utmost importance. Local and international human rights organizations have for many years asked the HCPs to convene and ensure the applicability of the Fourth Geneva Convention. A conference of HCPs would focus attention on Israel’s human rights violations and reaffirm the legal status of the Occupied Palestinian Territories as such. This designation must not cease until the Palestinian people achieve their legitimate rights, especially the right of self-determination.

Second, recent Swiss efforts have fallen well short of the UN General Assembly mandate. They contradict in letter and spirit the resolutions of the UN General Assembly, which called for a conference focusing on the obligations of the HCPs to the Occupied Palestinian Territories, not a quadrilateral meeting that would divert attention from that focus. The issue raised is not a political one, but a legal one that demands that the HCPs, including the Swiss government, fulfill their obligations under international law. The UN resolution has authorized the Swiss government to take preliminary steps to ensure a conference of the HCPs. This resolution does not give it free rein to convene meetings which could prejudice participants in the conference proposed by the resolution. The drafters of the UN resolution, perhaps aware of the potential for the misuse of the Swiss mandate, mentioned only the possibility of convening a meeting of experts. Should the drafters have anticipated the need for other meetings, it is likely that they would have alluded to such meetings in the text of the resolution.

Third, the purpose of the quadrilateral meeting has been defined in the Swiss proposal as the examination of the application of the Convention rather than the *de jure* applicability of the Convention to the Occupied Palestinian Territories. There is a significant difference between the two approaches. As mentioned earlier, Israel claims that it applies *de facto* the humanitarian aspects of the Convention, which means that the examination will likely concentrate on how to improve the implementation of these aspects. This narrow focus, however, gave rise in the past to human rights violations (many of which we have mentioned) and grave breaches of the Convention. This narrow focus also fails to recognize the applicability of the whole Convention, which states clearly that the Palestinian territories are indeed Occupied Territories that should be recognized as such by the Israeli government. A broader focus that recognizes the applicability of the entire Fourth Geneva Convention would allow examination to be concentrated on the mechanisms that provide protection for Palestinian civilians and other provisions that ensure respect for human rights.

Fourth, the potential danger of the quadrilateral meeting and similar meetings is that they would produce agreements that would prejudice the rules of international law. International law is the fundamental reference, and should be kept as the first and last reference in any case regarding the Occupied Palestinian Territories, especially now that we are approaching the final status negotiations between the PLO and the government of Israel. International law, which should be the reference point for the signed peace agreement between the two parties has been ignored, resulting in a number of problems that jeopardize the realization of Palestinian rights. Thus it is critical that international law be preserved by all parties. No concessions should be made in regard to legal issues under any circumstances.

PCHR also affirmed the following:

First, PCHR reiterates its demand for an immediate conference of the HCPs to the Fourth Geneva Convention. This conference is essential for the HCPs to fulfill their obligations to ensure the applicability of the Convention to the Occupied Palestinian Territories. It is also essential to ensuring that the Israeli occupying power respects the provisions of the Convention. PCHR reaffirms the UN General Assembly resolutions and asks for their immediate enforcement in letter and spirit.

Second, any meeting that does not conform to the mandate authorized by the UN is an attempt to undermine the legitimacy of the fair demands of the Palestinian people, especially the applicability of the Fourth Geneva Convention and the protection of Palestinian civilians in the Occupied Territories. The proposed quadrilateral meeting presents many potential dangers. It is another step toward deleting legal references and the rule of international law, which is the basic guarantee of the rights of the Palestinian people and universal respect for human rights.

Third, the continuation of the status quo without the conference of the HCPs is preferred to a meeting of the kind proposed by the Swiss government. Such a meeting will undermine the Palestinian effort to convene a meaningful meeting of the HCPs. In this regard, we demand that the Swiss government prepare for the HCPs to convene as stated in the UN resolution, and not prepare and participate in a meeting that is clearly a product of American and Israeli pressure. The Swiss government, as a depository of the Convention, should honestly and fairly fulfill the mandate granted it by the United Nations.

Fourth, in light of these developments, PCHR calls for the PLO and PA to continue pressing for the *de jure* applicability of the Fourth Geneva Convention to the Occupied Territories, the recognition of the Palestinian territories as occupied territories, and the recognition of Israel as the belligerent occupying power.

Fifth, the conference of the HCPs should occur in spite of Israeli and American refusals because each HCP is legally obliged to ensure respect for the Convention. The obligations under the Fourth Geneva Convention are legal obligations and, like the conference of the HCPs, must not be subject to political maneuvering. The law must be applied and states must respect their commitments. The conference should focus specifically on the Occupied Territories of Palestine, not on occupied territories in general.

A Consultation Meeting on the Fourth Geneva Convention

On June 21, 1998, a meeting took place at PCHR regarding the authorization by the UN General Assembly for the Swiss government to take necessary steps to convene a conference of the High Contracting Parties (HCPs) to the Fourth Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War. The purpose of the proposed conference is to determine measures to ensure that the HCPs respect their obligations under the Convention in the Occupied Palestinian Territories (OPT). PCHR's meeting was convened in light of the communication sent by the Swiss government to the concerned parties. This communication clearly indicates that the Swiss are circumscribing the essence of the UN Resolution under American and Israeli pressure.

Participants in the meeting included members of the Palestinian Legislative Council, officials from the Ministry of Planning and International Cooperation and Ministry of Justice, the Chairman of the Palestinian Bar Association, and representatives of local NGOs and political parties.

Raji Sourani, Director of PCHR, welcomed the participants and highlighted the potential danger surrounding the preparations by the Swiss government for the conference. He referred to UN General Assembly Resolution A/RES/ES-10/5 which authorizes the Swiss government to prepare for the

convening of a conference of the HCPs to the Fourth Geneva Convention. He added that the Centre has been following the issue since 1997, and that a report was prepared by the Centre assessing the steps taken thus far by the Swiss government which clearly violate the letter and the spirit of the UN resolution, especially in terms of convening a quadrilateral meeting of the Swiss and the Israeli governments, the PA, and the ICRC. The report also affirmed the potential danger in simply tolerating these measures which undermine the norms of international law.

Issam Younis, coordinator of the Economic, Social, and Cultural Rights Unit at PCHR, indicated that the international community has accepted the applicability of the Fourth Geneva Convention in the Palestinian territories occupied in 1967. He added that Israel is the only state that refuses to accept the applicability of the Convention in the OPT and that its denial does not contain any legal basis and contradicts the provisions of the Convention. Israel claims, instead, that it applies the humanitarian articles of the Convention *de facto* which, as Younis pointed out, suggests that Israel erroneously believes that the Fourth Geneva Convention contains non-humanitarian provisions even though the Convention is considered a fundamental pillar of international humanitarian law. Moreover, the Israeli claim of implementing the humanitarian aspects of the Convention is contradicted by policies such as the legalization of torture, land confiscation, willful killings, house demolitions, and deportations, which constitute grave breaches of the Fourth Geneva Convention and, in fact, amount to war crimes.

Younis stated the Palestinian position centers on the demand for the *de jure* applicability of the Convention and for protection of Palestinian civilians in the OPT. Younis referred to the more than 40 UN Security Council Resolutions between 1967 and 1993 which demand that Israel apply the Convention in the OPT.

Participants discussed the developments and the performance of the Palestinian Authority (PA) during this period and the majority criticized the PA's performance. Many of the participants referred to the inherent shortcomings of the Oslo Agreements in not recognizing the OPT as being occupied territories and therefore not establishing the applicability of the Fourth Geneva Convention in those territories. Participants also referred to the danger of not only ignoring the applicability of the Fourth Geneva Convention, but also of ignoring all other resolutions and provisions in international law that support the rights of the Palestinian people.

At the end of the meeting participants reaffirmed the following:

- 1) The Ministry of Planning and International Cooperation, as the representative of the Palestinian government at the meetings with the Swiss government, should issue a comprehensive memorandum detailing its involvement until now;

- 2) PCHR will prepare a set of guidelines to be taken during the proposed meeting of experts this September (called for in the UN resolution);
- 3) The whole matter of the negotiations should be transferred to the PLO since it is the only authority that is authorized to negotiate issues related to the Palestinian people; and
- 4) Any further meetings the PA participates in should be subjected to the legal scrutiny of Palestinian, Arab, and international experts. Furthermore, a legal forum should be established for any Palestinian delegation participating in future meetings.

Advisory Expert Meeting on the Fourth Geneva Convention, Gaza

In its resolution ES-10/5 of March 20, 1998, the General Assembly reiterated once again its recommendation that the High Contracting Parties to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 convene a conference on measures to enforce the Convention in the Occupied Palestinian Territories, including Jerusalem, and to ensure its respect in accordance with Article 1 of that Convention, in which the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances. It also reiterated its recommendation to the government of Switzerland, in its capacity as depository of the Geneva Conventions, to undertake the necessary preparatory steps, including the convening of a meeting of experts in order to follow up on the above- mentioned recommendation.

On July 15, 1998, the Swiss government sent the Palestinian Authority a proposal for a mechanism for the application of the Fourth Geneva Convention in the Occupied Palestinian Territories. The Palestinian Authority requested that PCHR give an advisory opinion on the position that the Palestinian Authority should take on the proposal and on its participation in any future meetings with the Swiss government. To fulfill this task, PCHR convened a meeting of Palestinian and foreign legal experts in Gaza on August 8 and 9, 1998, in order to give its views on the relevant legal questions.

Participating in PCHR's Advisory Meeting of Experts were:

Paul de Waart - Netherlands
John Quigley - U.S.A.
Agneta Johansson - Sweden
Colm Campbell - Ireland
Per Stadig - Sweden
Greg Nott - South Africa
Lynn Welchman - United Kingdom
Georges Henri Beauthier - Belgium
Robert Remacle - Belgium
Charles Shamas - Palestine

Khader Shkirat - Palestine
Mohammed Abu Harthiah - Palestine
Raji Sourani - Palestine
Issam Younis - Palestine
Iyad Al-Alami - Palestine
Hamdi Shaqura - Palestine
Frauke Seidensticker - Observer, Switzerland

1. Recommendations of the Advisory Meeting of Experts:

1. The Advisory Meeting of Experts recommend that cognizance be taken of the following:
 - 1.1 There can be no derogation from the Fourth Geneva Convention;
 - 1.2 That whatever the legal status of the Declaration of Principles (DOP) and subsequent agreements, the Convention takes precedence; and
 - 1.3 That the Convention remains applicable throughout the West Bank (including East Jerusalem) and the Gaza Strip, thus Israel remains accountable for its actions to the extent that it exercises the functions of government in the Occupied Palestinian Territories. This accountability extends to actions committed by the Palestinian Authority under Israeli duress which amount to breaches of the Convention.

2. Accordingly it is further recommended:

- 2.1 That any arrangements or initiatives in relation to the Occupied Palestinian Territories must be fully in accordance with the Convention, and must recognize that the application of the Convention is non-negotiable. Accordingly, meetings such as the one held between Israel, the PLO, Switzerland (the depository of the Conventions), and the ICRC on June 9-11, 1998 (generally referred to as the “quadripartite meeting”), convened by the depository in response to UNGA Res. 10/4 of November 13, 1997, cannot proceed on any basis other than that the *de jure* application of the Convention to the Occupied Palestinian Territories is given and is non-negotiable;
- 2.2 That any mechanism put in place in response to the Resolution must be fully in accordance with the Convention, must be based upon the *de jure* application of the Convention, and must not absolve, or appear to absolve, the High Contracting Parties of their responsibilities to ensure respect for the Convention. By reference to these criteria, the mechanism put forward by the Swiss government must be considered defective;
- 2.3 That the High Contracting Parties be reminded of their obligations, and their pre-existing legal capacities, to repress grave breaches of the Convention;
- 2.4 That the High Contracting Parties be also reminded that the utilization of the Uniting for Peace Resolution in condemnation of Israeli violations in the Occupied Palestinian Territories implies that such violations constitute a serious threat to international peace and security;

- 2.5 That the depositary be also reminded of its obligation to act when called upon to do so in an impartial manner, and that it is reminded that its functions are administrative and facilitative unless otherwise called for;
- 2.6 That due caution, rigor and diligence be exercised by the PLO in order to ensure that protected Palestinian persons receive the full benefit of the Convention and that the *de jure* position is in no way prejudiced;
- 2.7 That a multi-layered approach be adopted to the question of the enforcement of the Fourth Geneva Convention in the Occupied Palestinian Territories, recognizing the threat which continuing serious violations, including grave breaches of the Convention, and particularly the maintenance and construction of settlements, present to the peace process, and to international peace and security;
- 2.8 That in view of the recommendation to the High Contracting Parties in UNGA Res. 10/4 of November 13, 1997, to take measures on a national or regional level, that the initiative of the European Union in implementing the territorial applicability clause in the Interim Agreement on Trade and Trade-Related Matters with Israel be supported and endorsed as a suitable model for adoption elsewhere. It should also be made clear that the provisions of the Euro-Mediterranean Association Agreements requiring respect for human rights, include respect for the instruments of international humanitarian law;
- 2.9 That an immediate initiative be taken to convene a meeting of states, identified by their concern for breaches of the Convention in the Occupied Palestinian Territories, so that they may resolve to ensure full Israeli compliance with the Convention in whatever practical manner they may deem appropriate and effective in accordance with international law;
- 2.10 That all efforts be made to ensure that the actions taken by High Contracting Parties in response to the depositary's proposal for an expert meeting of High Contracting Parties following from such meeting, serve the end specified in the above paragraph; and
- 2.11 That the above approach be complemented by a campaign to highlight violations of the Convention in the Occupied Palestinian Territories in preparation for the 50th anniversary of the Geneva Conventions.

A Series of Meetings to Explain and Act on the Results of the Advisory Expert Meeting

After holding the above-mentioned expert meeting the Centre increased its activities at the local and international level to explain the results of those meetings and to expand its attempts to work to secure the honest implementation of the UN General Assembly invitation to the High Contracting Parties to the Fourth Geneva Convention to hold a conference

on implementation of the Convention in the Occupied Palestinian Territories. The Centre sent the results of this meeting to the UN commissions and the relevant officials, including the Secretary General, Kofi Annan, and the High Commissioner for Human Rights, Mary Robinson. In addition, the results of the meeting were sent to many of the concerned governments.

At a different level, the Centre made intensive contacts at the Palestinian level in an attempt to hold Palestinian officials to the fulfillment of their responsibilities and force them not to respond to the Swiss initiative. Within this context, the Centre organized a meeting for journalists in its offices on August 24, 1998 to explain to them the latest developments, the dangerous influence of such matters, and to urge them to highlight the matter in the local press.

A Memorandum on the Convening of a Meeting of Experts

On October 18, 1998, the Centre published a memorandum about the latest developments in the UN General Assembly decision to hold a conference for the High Contracting Parties to the Fourth Geneva Convention. The memorandum mentioned that the Swiss government had decided that the period between October 27-29, 1998, would be the time for the convening of a meeting of experts that would be attended by representatives from the PLO and the Israeli government, as well as other participants invited by the Swiss government. The aim of the meeting is to examine the problems regarding the Fourth Geneva Convention (regarding the protection of civilian persons during times of war), both in general and in particular relation to occupied territories.

The purpose of the meeting will be analogous to that of the first periodical meeting on international humanitarian law that took place in Geneva from January 19-23, 1998. In the spirit of periodical meetings, the objective is to maintain and strengthen dialogue between the High Contracting Parties to the Geneva Convention on general problems regarding the application of international humanitarian law. This objective is based on the practice established in the first periodical meeting.

According to UN Resolutions ES-10/2, ES-10/3, ES-10/4, ES-10/5, the UN General Assembly (UNGA) has asked the High Contracting Parties to the Fourth Geneva Convention to convene a conference. The aim of the conference will be to investigate the measures to be taken to implement the Convention in the OPT and to fulfil the obligations of Article 1 which emphasize that it should be respected under all circumstances. To achieve this, the UNGA authorized the Swiss government to act as the depositary of the Convention, which involves taking the necessary action to prepare for the conference, including the possibility of convening a meeting of experts. The PLO should of course, be invited to the meetings and

contributory preparations. In spite of the clear identification of the Swiss role, the Swiss government is intentionally seeking to undermine the value and violate the spirit and letter of the resolutions. One example of this was the Swiss invitation to both the Israeli government and the Palestinian Authority for a quadrilateral meeting to be attended also by Switzerland and the ICRC. The meeting took place in Geneva from June 9-11, 1998, in spite of PCHR's demand not to convene the meeting due to the potential dangers that could arise. One area of concern was that the High Contracting Parties responsible for the applicability of the Convention had nothing to do with the meeting, given that the question of implementing International Humanitarian Law (especially the Fourth Geneva Convention) was going to be a Palestinian-Israeli issue, which was not at all the aim of the UN resolutions.

Moreover, the Swiss government in mid-July 1998, in a very sensitive development, concluded a proposal for a mechanism for the application for the application of the Fourth Geneva Convention in the OPT. This is in violation of Switzerland's authorized role which should solely be to prepare for the convening of the conference of the High Contracting Parties. Its role should not be to determine the track and the essence of the negotiations from the beginning, especially the proposal to preserve the poor human rights situation in the OPT and the continued violation of the provisions of the Convention. In effect, such behavior is also a serious breach of the role of the depositary whose involvement should be restricted to inviting the parties to the meeting. The depositary should not provide any proposals since it is not the owner of the Convention. We therefore believe that the Swiss government's intentions are unsatisfactory.

As for the Swiss invitation regarding the convening of the meeting of experts between October 27-29, 1998, PCHR is deeply concerned about the disregard for the letter and spirit of the aforementioned UN resolution in such a meeting.

PCHR is particularly concerned that the Swiss government has identified the aim of the meeting as being to analyze the problems regarding the Fourth Geneva Convention both in general and in particular relation to the Occupied Territories, which makes the content of the meeting absolutely meaningless. Identifying the aim of the meeting in such a way means that any reference to the OPT or to the Israeli occupation is a deviation from the purpose of the meeting, when in fact the meeting should be devoted to these issues.

Due to the potential danger of the Swiss arrangements, PCHR, while expressing its deep concern, is demanding the following:

- i. One of PCHR's main criticisms regarding Palestinian participation is the mixing of the role of the PLO and the PA. The whole file has been

entrusted to the Ministry of Planning and International Cooperation (MOPIC), while it should be in the hands of the PLO for legal and political reasons. This is the case despite the UN Resolutions that stress the role of the PLO in participating and contributing to the arrangements for the conference of the High Contracting Parties.

- ii. As a result of the potential danger of these meetings, PCHR demands that the PLO withdraw and not attend the meeting in this form, as its results would prejudice Palestinian interests and rights. Also, rules of international law and UN resolutions must not be derogated from in reference to a just settlement for the Palestinian question. Moreover, PCHR is demanding that the PLO and its different institutions (especially the Executive Committee and the Palestinian National Council) on the one hand and the PA (with its Executive Authority and the Legislative Council, as well as political parties and factions) on the other hand, take a strict and upstanding position regarding these developments as they could possibly prejudice the rules of international law and its legitimacy.
- iii. The Swiss government should immediately cease its efforts regarding the application of the Fourth Geneva Conference in the OPT, considering that it intentionally violated the mandate that it had been authorized by the General Assembly. Therefore, if the Swiss government cannot stand up to Israeli and American pressure, it should ask the UN to release it from its role for as long as it is unable to comply with the spirit and letter of UN resolutions.
- iv. The High Contracting Parties should break their silence and review the arrangements made by the Swiss government and take the initiative by immediately convening their conference without delay. The conference itself is not the aim, rather, it is the *de jure* application of the Fourth Geneva Convention in the OPT and the putting to an end of the systematic violations of its provisions by the belligerent Israeli occupation. The High Contracting Parties are under legal obligation to apply the Convention and to ensure that the steps taken so far will lead to this. An example of what can be done has been set out in the experts' recommendations in the meeting in Gaza from August 8-9, 1998. The following steps were recommended:

In view of the recommendation to the High Contracting Parties by UNGA Resolution 10/4 of November 13, 1997 to take measures on a national or regional level, the initiative of the European Union in implementing the territorial applicability clause in the Interim Agreement on Trade and Trade-Related Matters with Israel should be supported and endorsed as a suitable model for adoption elsewhere. It should also be made clear that the provisions of the Euro-Mediterranean Association Agreements requiring respect for

human rights, include respect for the instruments of international humanitarian law.

An immediate initiative should be taken to convene a meeting of states, identified by their concern for breaches of the Fourth Geneva Convention in the OPT, so that they may resolve to ensure full Israeli compliance with the Convention in whatever practical matter they may deem appropriate and effective in accordance with international law.

- v. PCHR is highly concerned about ICRC's participation in the quadrilateral meeting that took place in Geneva from June 9-11, 1998. This participation undermined its credibility, impartiality and its interest in applying *de jure* the Fourth Geneva Convention of 1949. Although ICRC's current withdrawal from these meetings is appreciated, at the same time we demand that ICRC publicly clarify its position regarding this matter.

A Press Release about the Stance of the UN High Commissioner for Human Rights

On October 29, 1998, PCHR issued a press release in which it expressed its strong praise for the position taken by Mrs. Mary Robinson, the UN High Commissioner for Human Rights, with regard to the most recent development relating to the UN General Assembly's recommendation to convene a conference of the High Contracting Parties to the Fourth Geneva Convention to address the application and the enforcement of the Convention in the Occupied Palestinian Territories.

PCHR, which has been following this affair closely for many months, especially the measures and steps taken by the Swiss government and their dangerous consequences, has published many memorandums analyzing the various aspects of the UN resolutions and warning of the dangerous implications of the Swiss initiative. Most recently, PCHR has sent a letter to Mrs. Mary Robinson, the High Commissioner for Human Rights, warning of the dangerous consequences of the Meeting of Experts which already took place in Geneva from October 27-29, 1998. PCHR has urged Mrs. Robinson, the High Commissioner, to do her best to stop the Swiss initiative as it contradicts UN resolutions, and to ensure the *de jure* application of the Fourth Geneva Convention in the Occupied Palestinian Territories.

The Meeting of Experts began on October 27 and the statement of the High Commissioner (who was invited as an observer to the meeting) was delivered. The statement reflected strong commitment on behalf of the High Commissioner to ensure the *de jure* application of the Fourth Geneva Convention and the need to provide protection for Palestinian civilians in the Occupied Palestinian Territories. Such commitment is consistent with

the position taken by PCHR, which is reflected in its letter to the High Commissioner. Once again, the High Commissioner for Human Rights provided a strong example of professional human rights work, far from politicization and political expediency. Her speech asserted the need to respect principles of international law and emphasized states' responsibilities to ensure respect for human rights and international humanitarian law, especially the Fourth Geneva Convention.

The complete text of the High Commissioner's statement is below. PCHR hopes that it helps to highlight the dangerous consequences of the steps and measures taken by the Swiss government. Furthermore, PCHR will continue its activity until the Swiss government begins to act in conformity to the UN Resolutions.

Publication of a Book about the Fourth Geneva Convention

In November 1998 the Centre published a documentary book of all the developments concerning the Centre's work on the Fourth Geneva Convention. The book was published in Arabic and English under the title of "IVth Geneva Convention and Israeli Occupation of Palestinian Territories: Theory and Practice." The book includes the memoranda and press releases that were issued by the Centre concerning this matter, the documents concerning the above-mentioned Swiss government invitation, speeches by a number of participants in the Expert Meeting, and the UN resolutions related to the issue. The book can be obtained through direct contact with the Centre.

PCHR's Interventions before UN Bodies

PCHR devoted part of its effort at the international level to working with human rights mechanisms and specialized international commission mechanisms, particularly commissions derived from the United Nations. The Centre provided these specialized bodies and commissions with oral and written presentations on the human rights situation in the Occupied Palestinian Territories. During 1998 the Centre continued its effort in this direction. It focused on the following:

UN Commission on Human Rights

On March 17, 1998, PCHR's delegation delivered an oral presentation about the Israeli violations of Palestinian human rights to the UN Commission on Human Rights. This presentation came in Session Number 54 of the Commission, which started its work on March 16 and continued until April 24, 1998. The fourth item of its agenda was related to Israeli violations of Palestinian human rights in the Occupied Arab Territories, including Palestine. Issam Younis and Hamdi Shaqqura participated in the meeting as representatives of the Centre. Moreover, PCHR, the Palestinian

Society for Protecting Human Rights and the Environment, and the International Federation for Human Rights (FIDH) provided prior to the meeting a joint report about the Israeli violations of human rights in the Occupied Arab Territories. That report was approved as a formal document among UN documents and was distributed widely.

The oral statement of the Centre focused on the most prominent Israeli violations of Palestinian human rights, including the continuing closure of the Palestinian territories and the disastrous results of such policies on all aspects of life. The Centre mentioned the continuous arrest of more than 4,000 Palestinians in the Israeli jails in violation of the Fourth Geneva Convention of 1949. In addition, the Centre mentioned that Israel is the only state in the world that has legalized torture. Such torture led to the death of a number of Palestinian detainees. The Centre asserted that this reflected the unethical character of the Israeli state and its security forces and judicial authority.

Furthermore, the Centre introduced the issue of the continuing Israeli settlement policies leading to the confiscation of Palestinian land and asked the international community to adopt all the necessary measures to stop the illegal actions and behaviors being carried out by the Israeli government. It also condemned the excessive use of force by Israeli soldiers against Palestinian civilians. The latest victims of this policy were three civilian workers who were killed and tens of Palestinian civilians who were injured in the prior few days in the West Bank. Accordingly, the Centre asked the international community to form an international committee to investigate the incident and to adopt all the measures necessary to guarantee that such events would not happen again.

More informally, the delegation met Mr. Hannu Halinen, the UN Special Rapporteur to the Occupied Palestinian Territories. In the meeting, the Centre expressed its strong rejection of his decision to include in his report the Palestinian Authority's human rights violations. The Centre believes that this reporting decision will not help in highlighting the Israeli violations of Palestinian human rights and that the attention of the Special Rapporteur must remain solely focused on Israeli human rights violations as long as the occupation continues. In addition, PCHR met the Palestinian ambassador in Geneva, Mr. Nabil Ramlawi, and a number of officials in the foreign and Arab delegations to the United Nations, as well as members of a number of international human rights organizations.

Committee Against Torture

In UN Committee Against Torture Meeting 19 held on May 19, 1998, PCHR forwarded an alternative report to the Committee. The Committee also looked at the report forwarded to it by the Israeli government. The report of PCHR included documented facts countering Israeli

rationalizations for the use of torture against Palestinian detainees in Israeli jails. In addition, the report mentioned that Israel is the only state in the world that has legalized the use of torture as a formal policy against Arab and Palestinian detainees in its jails. The report of the Centre included a number of cases of Palestinian detainees who were subjected to torture by Israeli security forces. The report was distributed widely during the Commission meeting.

Human Rights Committee

The Centre provided a report to the Human Rights Committee to counter the report provided by the Israeli government. The Committee included 18 international experts on human rights that were selected from the countries of the High Contracting Parties to the International Covenant on Civil and Political Rights (ICCPR). These experts worked as representatives of themselves and not of their countries. Normally, the Committee specializes in monitoring the commitments of the contracting countries with the articles of the ICCPR.

The Committee started its meetings on July 14, 1997 to discuss the report provided to it by the Israeli government about its implementation of the articles of the ICCPR. Israel provided its report to the Committee after five years of delay as the report was supposed to be provided at the beginning of 1993. The report did not mention the Occupied Palestinian Territories. This omission very much concerned the members of the Committee and became a significant part of its work agenda.

PCHR prepared a report about human rights situation and the degree of Israeli occupation forces' commitment to the articles of the ICCPR. The report mentioned that the failure of the Israeli government report to refer to its measures and practices against the Palestinian territories reflects an under-estimation by the Israeli government of the work of the Committee since the articles of the ICCPR have to be implemented by Israel in the territories. The Centre called on the members of the Committee to ask the Israeli government to prepare an additional report that focuses on the Occupied Palestinian Territories.

Moreover, the Centre mentioned in its report that the government of Israel held at that time approximately 3,000 Palestinian detainees in very difficult living conditions. The deterioration in their health and living circumstances has become very clear. Among these detainees are more than 100 administrative detainees arrested by the Israeli occupation forces without any trial or accusation. These detainees are prevented by the Israeli occupation forces from their right to receive regular visits from their families and to meet their lawyers. These lawyers have not been allowed to visit their clients inside Israel for more than three years. The Centre mentioned that Israel is the only state in the world to have legalized torture.

It uses torture widely against Arab and Palestinian detainees in a clear violation of the articles that prohibit torture no matter the circumstances.

In the report, the Centre mentioned the Israeli government violations regarding the Palestinian people's right of free movement. Such a violation of this right came through the partial and total closure policy in the West Bank and Gaza Strip. This policy has not only banned the individual from enjoying his or her right to move within the West Bank and Gaza Strip, but also it has extended to include strong obstacles on the movement of goods and trading activities. This had a significant negative effect on the Palestinian territories and led to a deterioration in their living conditions. At the end of its report, the Centre asked the members of the Committee to ask the Israeli government to provide its report about the political and civil rights of Palestinians in the Occupied Palestinian Territory and to condemn the Israeli violations of these rights, particularly the violations regarding Israeli government use of the closure policy and legalization of torture.

At an earlier time, the Centre presented to the members of the Committee the report as well as a group of questions to be used by the members of the Committee during their questioning of the Israeli delegation.

Activities of this sort are being carried out by the Centre with the United Nations through its membership in the International Federation for Human Rights (FIDH) which enjoys consultation status with the UN Economic and Social Council.

The UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

On July 24, 1998, the representatives of the Centre testified in Cairo before the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

In his testimony, Hamdi Shaqqura, the coordinator of the Democratic Development Unit, spoke about the escalation in the use of excessive force against Palestinian civilians by the Israeli occupation forces and settlers. He mentioned that the first six months of 1998 witnessed an increase in the number of Palestinians killed by the occupation forces. Five civilians were killed in the Gaza Strip (four of them during popular demonstrations marking the 50th anniversary of the Palestinian catastrophe – *Al-Nakhba* – of 1948. The fifth was killed less than one month following these demonstrations.) Also, the same period witnessed an increase in the number of people who were fired upon and injured by the Israeli soldiers and settlers. In all of these events, there was no threat on the lives of the Israeli soldiers using firepower against the Palestinian demonstrators.

Shaqqura condemned the extensive use of snipers by the occupation forces against the participants in these peaceful gatherings and demonstrations protesting the continuing policies of occupation, of settlements, and of land confiscation.

Moreover, Shaqqura presented the Israeli closure policy on the Occupied Territories, and within the context of his answering the questions of the members of the Committee, Shaqqura rejected the notion that there is any visible improvement in the closure and said that the general framework is still a comprehensive closure of the West Bank and Gaza Strip with allowances for limited trade activities and movement of people through Israel.

In his testimony before the Committee, Iyad Al-Alami, the coordinator of the Legal Unit, presented the Israeli violations regarding the Palestinian detainees and the prevention by the Israeli occupation forces of any lawyers from the Gaza Strip from visiting the Israeli arresting centers and jails. Al-Alami mentioned that Israel is still detaining almost 2,500 Palestinian and Arab detainees, in clear violation of the Fourth Geneva Convention and the agreements that the government of Israel signed with the PLO affirming the release of detainees within the context of confidence-building measures. Al-Alami mentioned that Israel continues to use torture methods in interrogations of Palestinian detainees and denies them their right to receive regular visits from their families. In addition, he presented the proposed law of the General Security Service (Shabak) that was approved by the Israeli parliament in its first draft. Al-Alami mentioned that this matter is extremely serious as it grants political, legislative, and judicial support to torture measures carried out by officials in Shabak against detainees.

In addition, Al-Alami presented the suffering of the detainees' families and the inhumane measures that they are subjected to, either at Israeli checkpoints through the search process, prolonged waiting, or the treatment that they receive from the Israeli soldiers. He referred to the inhumane conditions that the Palestinian detainees are subjected to, including the lack of sufficient food, filth, lack of sufficient medical attention, and poor treatment from the jail's administration. He mentioned in his testimony the policy preventing Palestinian lawyers from visiting their clients in the Israeli jails and their consequent inability to provide them with legal services. Legal access to detainees is guaranteed by international agreements and conventions.

In his answering of the Committee's questions, Al-Alami stated that the detainees' circumstances had not seen any improvement, but in actuality had deteriorated in a dramatic way as a result of the use of their file by the Israeli government as a means to pressure and bargain with the Palestinian Authority in the negotiations.

Moreover, Al-Alami expressed his deep concern about the life of the detainee Jamal Al-Khamisi who had been detained in Al-Ramleh prison and was suffering from cancer of the liver. He also expressed his deep concern for the lives of all the detainees, especially the ill. He expressed his opinion that the death of the detainee Youssef Al-Areer was a result of the medical negligence following his successful medical operation on his heart. He died hours after he was transferred to the hospital of Al-Ramleh prison.

The UN Committee on Economic, Social, and Cultural Rights

In the period between November 16-18, 1998, the Centre participated in the work of the UN Committee on Economic, Social, and Cultural Rights. This Committee is responsible for monitoring the commitment to the covenant articles by the countries that signed the International Covenant on Economic, Social, and Cultural Rights (1966). In particular, the Centre delegation that included Issam Younis, coordinator of the Social and Economic Rights Unit, and Hamdi Shaqqura, coordinator of the Democratic Development Unit, participated in the discussions of the Committee about Israel. The government of Israel at an earlier time forwarded the Committee a report about its implementation of its commitments according to the Covenant. That report included many intended untruths and did not mention at all the Israeli violations of Palestinian rights in the Occupied Territories.

The Centre forwarded to the Committee a report countering the Israeli claims and asserted that Israel remains responsible for human rights violations in the Occupied Territories even after the signing of the Interim Agreements and the establishment of the PA in parts of the Occupied Territories. The report presented the most prominent Israeli measures and practices that constitute a clear violation of the International Covenant on Economic, Social, and Cultural Rights. The Centre delegation delivered a speech in front of the Committee members focusing on the Israeli measures, particularly those measures concerning settlements and land confiscation, the continuous policy of closure, and what might result from the grim influence of such policies on economic, social, and cultural rights in the Occupied Territories. Moreover, the Centre presented in its speech on the necessity that the Committee adopt a strict stand toward such measures, that it reject violating measures, and ask the government of Israel to commit to international law and human rights standards.

Press Releases Issued by the Centre on Special Occasions

The Centre used special anniversaries of important events to send press releases to world governments and to influence international public opinion. These press releases encouraged support for the legitimate rights of the Palestinian people and support for the human rights of Palestinians in

the Occupied Territories. They also urged the adoption of the necessary measures to counter the violations of these rights. During 1998 the Centre issued the following press release:

Press Release on the Events Marking the 50th Anniversary of Al-Nakhba

On May 14, 1998, the Centre released a press release in memory of the 50th anniversary of *Al-Nakhba*. The press release mentioned that while the world is preparing to celebrate the 50th anniversary of the birth of the Universal Declaration of Human Rights, the Palestinian people in Palestine and the diaspora are marking the 50th anniversary of the “Nakhba,” the uprooting of the people of Palestine from their homeland by Zionist forces. These forces then declared the birth of the Jewish state in full view of the international community.

According to the press release, May 15, 1948 represents a turning point in the history of the region and the people of Palestine. When the Jewish minority established the state of Israel, the Israeli army, in order to create the state, enforced a policy of ethnic cleansing, in which hundreds of thousands of Palestinians in villages and cities were forced to flee. While Palestinians watch Israel’s celebration of independence on the greater part of historic Palestine, they are bitterly aware of being deprived of their inalienable right to self-determination and the establishment of an independent state on part of Palestine – the Occupied Territories of 1967.

The press release added that throughout the past 50 years, the people of Palestine have struggled against the Israeli war machine, which occupied the balance of historic Palestine in 1967. Successive Israeli governments have attempted to eradicate the people of Palestine, viewing the Palestinians solely as a threat rather than as a people with whom they could co-exist. Israel not only turned its back on the partition plan, which was adopted by the UN General Assembly in November 1947 (and backed the legitimacy of the idea of a Jewish state), but also UN resolutions, international law, and the will of the international community, which assured the inalienable rights of the Palestinian people to self-determination and statehood.

Moreover, the press release asserted that despite the fact that the PLO has offered its hand for peace and historic reconciliation on the basis of mutual coexistence, acceptance, and respect in two states, the state of Israel and its occupying forces have continued a hostile and provocative policy to prevent the Palestinian people from exercising their right to self-determination and statehood in the Occupied Territories of 1967, including Jerusalem, four years after the signing of the Interim Agreement between the government of Israel and the PLO.

Press Release on the European Commission Recommendation to Ban the Importing of Settlement Products to EU Countries

On May 21, 1998, PCHR issued a press release welcoming the recommendations in which the Council of Ministers of the European Union and the European Commission terminated the privileges accorded to goods produced in Israeli settlements in the Occupied Palestinian Territories based on the Euro-Mediterranean Association agreement between the EU and Israel signed in 1995. In the Commission's view, the Israeli government has violated the agreed upon rules of origin for exports. Israeli exports to the 15 countries of the EU are either partially or completely tax-exempt. These products contain no reference as to their production in Israeli settlements in the West Bank, Gaza Strip, East Jerusalem, or the Golan Heights. The EU defines these territories as occupied according to international law, which means that they are not part of the territories of the State of Israel. A European spokesman stated that the European Commission recommends correcting the state of forgery and fraud of the European system regarding certificates of origin concerning goods produced in Jewish settlements in the Occupied Arab Territories. This affirms the position of the EU that the Israeli territories do not include Jewish settlements, which therefore cannot enjoy the privileges of Israeli goods.

In the press release, PCHR asserted that it is time for the international community, especially the European Union, to play a more powerful and responsible role in light of the policies of the Israeli government, which violate basic rules of international law and human rights. Moreover, it repeated its invitation to the international community to impose economic sanctions on the Israeli government as a legal means to apply the rules of international law and to ensure respect for human rights.

Press Release on the Eve of the Signing of the Wye River Memorandum

On October 29, 1998, PCHR released a press release expressing its deep concern about the prospects of an escalation in human rights violations in the Occupied Palestinian Territories (OPT). This concern comes in the aftermath of the signing of the "Wye River Memorandum" on October 23, 1998 by Palestinian President Yasser Arafat, Israeli Prime Minister Binyamin Netanyahu, and American President Bill Clinton. PCHR believes that the security arrangements in the Wye River Memorandum contain a great potential for an increase in human rights violations in the Occupied Palestinian Territories.

The press release mentioned that for the first time, the government of the United States will be a full partner in the different phases of implementing this agreement. Thus, the United States will participate with the PA in a Palestinian work plan to ensure "the systematic and effective combat of

terrorist organizations and their infrastructure.” Joint Palestinian-American and Palestinian-Israeli-American committees will be formed in order to examine, assess, and guide measures taken by the PA. Accordingly, PCHR believes that the government of the United States will be a full partner in any human rights violations perpetrated in the OPT as far as security obligations are concerned.

Moreover, the press release warned of the negative consequences of this agreement, which may dramatically cast its shadow across the human rights situation in the OPT. Once again, human rights may be neglected for the sake of a promised peace and better security for Israel. PCHR stressed that sacrificing human rights in accordance with the previous Interim Agreements has yet to achieve either a just peace or security. The core issue here is that the concept of security from an Israeli point of view completely ignores the security needs of the Palestinian people and severely contradicts international standards of human rights. Thus, more than four years after the signing of the first Palestinian–Israeli Interim Agreement of May 1994, and more than three years after the signing of the second agreement of September 1995, human rights violations in the OPT have continued. The Palestinian citizens in the OPT have not felt any better off, in terms of security for their land or personal safety. Palestinian land continues to be confiscated for the sake of settlement expansion and the establishment of bypass roads for settlers. Tens of Palestinians have been killed at the hands of Israeli soldiers and settlers, whether in the form of extra-judicial killings and assassinations (even in areas under full Palestinian jurisdiction), or in cases in which the excessive use of deadly force was proven to have been carried out by Israeli soldiers in situations that posed no threat to their lives. Moreover, Israeli authorities continue to impose collective punishment against the Palestinian people in the OPT through the policy of closure, in violation of international humanitarian laws, especially the Fourth Geneva Convention of 1949 and other human rights covenants.

The press release added that the government of Israel and the American administration have continued to exert pressure over the PA, demanding that the PA perpetrate human rights violations in areas under its jurisdiction as part of its obligations toward the security of Israel. Under the pretext of combating violence and undermining the infrastructure of “terrorist groups,” both the United States and Israel have encouraged the PA to take illegal measures during the last four years against Palestinian opposition. Such measures, which have been blessed by the United States and Israel, include *inter alia*:

1. The formation of State Security Courts by the PA. Such courts contradict international standards for fair trials and lack due process protections accorded in civil courts.

2. Illegal massive waves of arrests. Since 1994, hundreds of Palestinian civilians have been arrested by Palestinian Security Forces for prolonged terms without charge or trial. A number of those prisoners have been held for more than three years.
3. The closure of licensed civil institutions by the PA. Such institutions are well known for their Islamic orientation, but they conduct their activities in accordance with the rule of law and provide vital charitable, educational, social, athletic, and religious services for the community.
4. The imposition of restrictions on the freedom of expression. Under the slogan of combating violence, both the United States and Israel continue to demand that the PA take effective measures that restrict citizens' basic rights to the freedom of expression and press. It has never been clear, however, where the borders of the terms "incitement to violence" and the "citizens' right to express their political opinions" lie.

Also, the press release expressed PCHR's deep concern about the security arrangements and warned of further possible violations of Palestinian civil and political rights, bearing in mind the vague meaning of the concept of security and measures that could be taken to prevent "incitement to violence." Taking into consideration the old-new reading of the concept of Israeli security, which prevailed in all the Interim Agreements, PCHR warned about a dramatic escalation in human rights violations, especially in the following regards:

1. Bringing leaders of the Islamic opposition before the State Security Courts.
2. The closure of Islamic-oriented civil institutions which are licensed by the PA.
3. The imposition of additional restrictions on the freedom of expression and press including the closure of newspapers and magazines of the Islamic opposition.
4. The intensification of a massive wave of arrests of leaders, members, and supporters of the Islamic opposition.

In the press release, PCHR regarded the government of the United States as a full partner in any possible human rights violations perpetrated in areas under Palestinian jurisdiction in accordance with the new security arrangements. PCHR called upon the PA to act in conformity with the rule of law and to refrain from arresting civilians for their political affiliation and to guarantee the right to freedom of expression. Finally, PCHR called upon the international community for effective intervention to monitor the situation in the OPT and to prevent human rights from being sacrificed once again for the sake of security.

Press Release on the Eve of President Bill Clinton's Visit to Gaza

On December 13, 1998, PCHR released a press release on the eve of President Bill Clinton's visit to Gaza. The press release mentioned that for the last two years, the peace process has suffered from clinical death as a result of the policies and stands of the Israeli government. The Wye Memorandum aimed to bring the process back to life again. However, it is clear that the Israeli government does not intend to apply the provisions to which it committed itself.

The press release asserted that throughout the last five years human rights and the rule of law have been sacrificed for the sake of security and peace. Unfortunately, peace, security, and respect for human rights have not been achieved.

In the press release, PCHR warned against the dangerous deterioration in the human rights situation in the Gaza Strip and West Bank, including Jerusalem. On Monday, December 14, 1998, Gaza will welcome American President Bill Clinton on his visit to PA-controlled areas. This visit comes as a result of the agreement reached through the negotiations between Israel and the PA.

The press release added that the American President's visit to the region coincides with the dangerous escalation of human rights violations resulting from Israeli policy and practice towards Palestinian civilians and areas. At the same time that the American President is arriving in the area, Palestinian and Arab prisoners in Israeli prisons and detention centers are on the fifth day of their hunger strike, which came as a last resort in light of the Israeli government's insistence on refusing their release. This refusal is a violation of the agreements signed by the Israeli government and contradicts the spirit of the peace process. An atmosphere of peace cannot prevail without the immediate release of Arab and Palestinian prisoners. It is illogical that the PLO (the legitimate representative of the Palestinian people, including the prisoners) sign a peace agreement with the Israeli government to end the state of war while Israel keeps in captivity those who joined the PLO in order to resist the occupation. The lives of the prisoners in Israeli jails are at risk as a result of the practices of the Israeli Prison Service and the security branches. The current situation is intolerable due to the legalization of torture and the substandard prison conditions. The continuing detention of the prisoners can only mean that the Israeli government aims to hold them as hostages for political blackmail.

Moreover, the press release added that Israel has never been punished for its practices throughout the occupation, despite the fact that its actions were a grave breach of basic human rights and showed disrespect for the rule of international law. That is why Clinton's visit comes at a time in which the excessive use of force is continuously applied by the Israeli occupation against Palestinians in the West Bank and the Gaza Strip. As the whole

world watched on television, Israel revived the activities of the undercover Death Squads, “the Musta’ribeen,” in an effort to combat the demonstrations against the ongoing detention of prisoners. These are the same squads that killed tens of Palestinian civilians in cold blood during the *Intifada*. As of last week, the number of Palestinians killed by the use of live ammunition by the Israeli forces against demonstrators had reached four and the wounded more than four hundred.

The press release explained that the Israeli government has escalated its settlement policy in the West Bank and Gaza Strip through the expansion of existing settlements and the establishment of new ones. Israel is racing to change the facts on the ground in the West Bank and Gaza Strip and to increase the number of Jewish settlers there in order to prevent the establishment of a Palestinian state.

Due to the Wye River Memorandum’s immense impact on the human rights situation and public freedom in the West Bank and Gaza Strip, PCHR expressed several reservations in regard to the agreement. Human rights violations have become apparent to all in the aftermath of the agreement. Human rights cannot be sacrificed under any circumstances or with any justifications. On the contrary, true peace requires the respect and protection of human rights. No peace process will succeed as long as human rights are being sacrificed.

The press release announced that if the American president is serious about pushing forward the peace process, he cannot blend politics and human rights. Human rights violations perpetrated by Israel are crimes that are, more often than not, war crimes according to international law, most notably the Fourth Geneva Convention. Thus, those committing these crimes should receive no lenience or forgiveness. The American administration cannot continue to employ double standards with respect to the rights and freedom of the Palestinians. If the American administration wants to restore some of its lost respect, it must fulfill its international obligations toward the preservation of the bases of international law and human rights standards.

The world looked forward to the promise of a better day for human rights when the British Court decided to extradite Augusto Pinochet to Spain for trial on the crimes he committed against the Chileans and other people. These crimes are not different from those committed by Netanyahu. We cannot wait for history to tell its tale. The facts on the ground force us to move immediately to stop the efforts to eradicate the rights of the Palestinians as a people and as individuals.

In addition, the press release asserted that the CIA’s active involvement in the peace process poses serious dangers to the security of Palestinians. The CIA has a long and unpleasant history of overseeing human rights

violations throughout the world. At precisely the same time that the Wye River agreement was being signed, new facts were coming to light about what the CIA knew about human rights violations in Honduras and how early it knew about such violations. Nevertheless, the organization turned a blind eye. Here, the CIA (as a representative of the American government led by President Clinton) and Israeli government will be active partners in demanding the incarceration of Palestinians. PCHR expresses its very grave concern that, at the very least, the CIA will be an active element in circumscribing Palestinian rights and freedom. At the worst, the CIA will conceal its knowledge of human rights violations against detainees and may play a role in pressuring the Palestinian Authority to violate human rights.

The treatment of Palestinian prisoners is of the utmost concern to PCHR. We are acutely aware of the dangers posed to supporters of opposition groups at this time. Their rights must be maintained and respected. It is simply unacceptable for the Palestinian Authority, at the command of Israel and the CIA, to be required by some absurd notion of peace to run roughshod over locally and internationally guaranteed human rights. PCHR will closely monitor any new waves of arrests carried out by the Palestinian Authority.

Finally, PCHR requested that President Clinton not employ double standards and that he put the utmost pressure on the Israeli government in order to bring it into compliance with the international will – a will that has long agreed to the legitimate rights of the Palestinian people. Furthermore, President Clinton must pressure the Israeli government to guarantee respect for human rights and the implementation of the principles of international law as a prime condition for any just peace in the region.

Also, PCHR encouraged the Palestinian Authority to respect human rights, democracy, and the rule of law. Furthermore, it demands an immediate end to the practices of the Israeli occupation so as to enable the Palestinian people to practice their legitimate rights, especially the right to self-determination and to an independent state with Jerusalem as its capital.

Participation in Regional and International Meetings and Conferences

On February 23, 1998, the Director of the Centre, Raji Sourani, participated in a meeting on “The Economic Sanctions against the Iraqi People: A Human Rights Perspective.” This meeting was organized by the Cairo Center for Human Rights Studies in Cairo. The participants in the meeting condemned the economic sanctions imposed on the Iraqi people and condemned the disastrous results of the punishment. They asserted that what had been suffered by the Iraqi people as a result of the embargo was a crime practiced by the Security Council against the basic human rights of the Iraqi people, including the right of Iraqi children to live and the right of

Iraqi civilians to enjoy food and medical treatment. In addition, they condemned the American role, particularly as regards the American domination of the Security Council, its failure to distinguish in its sanctions between the political system and the Iraqi people, and its threat to strike Iraq in a way that might lead to appalling loss of human life.

Moreover, the participants condemned the American stand as regards its selectivity in implementing human rights standards. Historically, the United States of America (until the mid-1980s) and United Kingdom refused to apply economic sanctions against the racist system in South Africa. This tendency of the United States of America and the United Kingdom was against the international community's desire, which supported the practice of economic sanctions against South Africa. The United States of America and the United Kingdom declared at that time that such economic sanctions might negatively influence the South African people. This is the excuse they gave for not participating in sanctions.

The participants mentioned the Israeli violations of human rights and the American Security Council veto which provided protection for these violations on 16 occasions in a way that prohibited taking any measures or decisions of punishment against Israel. This gave Israel the opportunity to violate human rights widely. Such violations include land confiscation, settlements, and discriminatory policies against Palestinians aimed at forcing Palestinians out of Jerusalem, and the practice of closure. All of these are an attempt to create a racist system in the Occupied Territories on a par with apartheid. Also, the Israeli violations include practicing torture. They have even gone so far as to legalize it under a legal and judicial umbrella.

The participants called for the removal of the economic sanctions against the Iraqi people and the adoption of possible international mechanisms to hold the American government accountable for its inhumane stance toward the Iraqi people. In addition, the participants asked academics, human rights activists, and all concerned people to develop a human and Arabic stand against the American practices against Iraq. They also asked for a strong stand against Israeli violations of human rights and to translate any such stand against American and Israeli practices into practical measures and steps.

In addition, the meeting focused on the Israeli-European bi-lateral economic agreement. The participants asserted that it is necessary to activate the agreement, particularly regarding the agreement's second article. They affirmed that the minimum level that Europe must apply if it has no intention to impose economic sanctions on Israel, is to stop the privileges granted to Israel, particularly the Israeli export of products to Europe. According to the agreements, the Israeli-exported products to Europe amounted to 72 percent of its external trade.

The participants agreed in their meeting to follow the economic sanctions as an international mechanism, but at the same time they asked to change the system and the mechanism for its implementation against some countries. They added that the ongoing implementation of the system of sanctions runs in contradiction to humanitarian and international norms. The implementation of such a system of economic sanctions should either be guided by UN General Assembly resolutions or else the veto system in the Security Council must be halted.

Between March 12-15, 1998, the Centre participated in a conference about the escalation of violence in Algeria. The conference was held in Oslo, Norway and was organized jointly by the Norwegian Institute for Human Rights and Amnesty International (Norwegian Branch). The conference included many international and Arab experts, including the Centre's Director, Raji Sourani. The discussion in the conference essentially revolved around forming an international inquiry committee to investigate what is going on in Algeria.

Between March 16-19, 1998, Raji Sourani was invited by the Ford Foundation to participate in the meetings of its officials in Africa that was held in Nairobi, Kenya. Sourani delivered a presentation titled "Human Rights within the Context of Conflicts: The Experience of the Occupied Territories." In his presentation, Sourani mentioned the problems confronted by the peace process and its influence on the Palestinian people and the Palestinian human rights movement. In addition, he presented the Arab human rights movement and the challenges that are confronted by it.

Between March 20-23, 1998, Raji Sourani participated in a meeting on "The Challenges Confronted by the Arab Human Rights Movement: Problems and Strategies." The Cairo meeting was jointly organized by the University of Cairo and the Human Rights Center of Harvard. A number of well-known activists participated in the meeting.

On March 20, 1998, Raji Sourani met with Mrs. Mary Robinson, the UN High Commissioner for Human Rights, in her office in Geneva. This meeting took place after a number of messages sent by the Centre explaining the human rights deterioration in the Occupied Palestinian Territories.

Sourani explained to Robinson the deterioration in the human rights situation and the violation of rights carried out by the Israeli occupation. He particularly stressed the racist policies carried out against Palestinians in Jerusalem and the expansion of Israeli settlements in the Occupied Territories, the confiscation of Palestinian land, and the building of bypass roads. These policies, he said, were turning Palestinian areas in the West Bank into ghettos in an attempt to establish facts on the land and prohibit

the Palestinian people from enjoying their rights in deciding their future and building their independent state.

Moreover, he asserted that the Oslo Agreement and the peace process not only have ignored human rights, but also have led to an unprecedented deterioration in the human rights situation over the last four years. This is due to Israeli policies of closure prohibiting the freedom of movement for goods, the separation of West Bank from Gaza, and the prohibition on Palestinians from working inside Israel. All of this has led to an increase in the rate of employment to 63 percent in Gaza and the West Bank.

Sourani highlighted for Robinson the situation of the Palestinian detainees in Israeli prisons. The number of these detainees reaches almost 2,500. He asserted the necessity to take strong measures and to make a strong effort in order to release these detainees and to stop the use of their files as a means of political bargaining. He also mentioned the condition of human rights and democracy in the PA's area. In addition to his critique of the situation under the PA, he mentioned American and Israeli pressure that forces the PA to make such violations.

Sourani further asserted to Robinson that due to her personal history as a defender of human rights and due to her formal position, she has an ethical and professional responsibility and duty since she is not a politician but an upholder of human rights conventions under which she must work to support relevant human rights articles. This is why he asserted to her that it is necessary that she visit the Occupied Territories and ask the international community to implement the human rights conventions without giving the political factors any consideration. This effort should result from the fact that what is transpiring in the Occupied Territories is not only a dire violation of human rights of Palestinians as individuals and people, but also restricts the possibility of the Palestinian people to decide their future and to enjoy their legitimate national rights.

In addition, Sourani asked that she not change the delegation of the UN Special Commissioner to the Occupied Territories. He asserted that any attempt to do so would have political considerations and reasons. He fully countered the Israeli request and the request of some of its supporters in the Commission for Human Rights in regard to changing the delegation. Also, he expressed his strong rejection of the American and Israeli attempt to ignore Palestine under the fourth item of the Commission and asserted that this matter was both very dangerous and politically motivated. The aim of such an effort is to legitimize the occupation. He asked Robinson to confront any such attempt.

From her side, Robinson asserted that she pays special attention and concern to the human rights situation in the Occupied Territories. She expressed her concern with the deterioration of the human rights situation

in the Occupied Territories. She added that despite the pressures of her work she would think seriously in the near future about visiting the Occupied Territories as she has a serious concern about what is going on there.

Francesca Morota, the official responsible for the Palestinian file in the office of the High Commissioner, participated in the meeting.

Between April 25-26, 1998, Hamdi Shaqqura represented the Centre in the international meeting of the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People. The meeting took place in Cairo. The meeting focused on discussing the steps that might be taken by NGOs to support the Palestinian people in their fight to achieve their national hopes. Shaqqura also participated as an observer in a seminar about assisting the Palestinian people. That seminar was held between April 27-28, 1998.

Between May 10-12, 1998, Issam Younis, coordinator of the Economic, Social, and Cultural Unit, participated in the Mediterranean/European conference titled “Euro-Mediterranean Conference: Strengthening Democracy and Respect for Human Rights.” The conference was held in Wilton Park in the United Kingdom. The conference discussed a number of issues and subjects related to problems of democracy and human rights and the role of Mediterranean and European partnership in pushing forward democracy and human rights. The delegation from the Centre met representatives from governmental and non-governmental organizations.

On June 2, 1998, by invitation from UNAIS and the British Lawyers’ Union, Raji Sourani delivered a lecture in the British Lawyers’ Union Centre. The lecture included three basic parts. The first part had an academic and legal character. In this part, Sourani discussed the current legal situation in the Occupied Palestinian Territories and the problems that result from the continuation of a number of Israeli military laws. He also discussed the Palestinian Legislative Council, the nature of its work, its responsibilities, and the limits on these responsibilities according to the Oslo Agreement. Sourani asserted that the essence of the problem is that the Israeli occupation is still present in its physical and legal shape.

The second part had a professional character in which Sourani introduced the problems concerning lawyers’ careers and the civil Palestinian judiciary. He criticized the ongoing work of the State Security Courts and at the same time he highlighted the prohibition preventing Palestinian lawyers from visiting detainees in the Israeli prisons and detaining centers. This prohibition has now been in place for more than three years.

Finally, in the third part, he discussed human rights violations. He said that in the year of the 50th anniversary of *Al-Nakhba* and the Universal

Declaration of Human Rights, Israel developed a new mechanism of human rights violations. This mechanism expressed itself in Israeli legalization and legitimization of torture as the Israeli High Court took a decision to legalize torture. Palestinian human rights organizations in the past had mentioned that Israel practiced organized torture against Palestinian detainees in Israeli prisons. This forced Israel to formally recognize for the first time in the Landau Commission Report of 1987 that it practiced torture.

Sourani asked the British Lawyers' Union to take a positive stance toward this matter and to encourage the other unions in Europe to adopt clear, frank, and public stands in regard to this matter. At the same time, Sourani encouraged the European governments and the European Union to adopt serious measures against Israel.

Sourani condemned in his lecture the stand of the Swiss government regarding the General Assembly resolution pertaining to the High Contracting Parties of the Fourth Geneva Convention meeting to discuss the possibility of forcing Israel to implement the articles of the Convention. Sourani mentioned the Swiss government attempt to violate the decision and to decrease its status from being a meeting of the government of the High Contracting Parties to being a quadrilateral meeting between the PLO, Israel, Switzerland, and the International Committee of the Red Cross (ICRC). He stated that this attempt seriously threatens the Palestinian position which asserts the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory. The Swiss government is attempting to find a way for Israel to escape from its commitment in implementing this Convention and the obligation it has under it.

Moreover, Sourani asserted that the human rights situation had deteriorated since the signing of the Oslo Agreement in 1993. He maintained that the violation of human rights had reached its worst degree and asserted that the policy of Israel and the United States of America is based on sacrificing human rights to achieve "peace." The result is that peace has not achieved and the process has become clinically dead as a result of Israeli measures and the deterioration in the human rights situation. He added that peace cannot be achieved without protecting human rights.

Between June 9-10, 1998, Raji Sourani delivered two lectures in Washington, D.C. about the human rights situation in the Occupied Palestinian Territories. The first lecture was at the Robert F. Kennedy Memorial Center for Human Rights that is headed by the lawyer Ms. Kerry Kennedy Cuomo. The Center for Policy Analysis on Palestine (CPAP), chaired by Dr. Hisham Sharabi, and Grassroots International also co-sponsored the meeting. The second lecture was at the Washington Institute for Near East Policy. The two lectures described the deterioration in the circumstances of the Palestinian people as a result of Israeli policies. These

policies have blocked the peace process and led to its clinical death. At the same time, Sourani asserted in his lectures that the administrations of Israel and the United States are responsible for the deterioration. They pressured and encouraged the PA to violate human rights in the Occupied Territories. This included encouraging the PA to carry out collective arresting waves of the Palestinian opposition and urging the PA not to respect Palestinian civil court decisions. In addition, they pressured the PA to destroy civil society and shut down its legal institutions under the justification of destroying the infrastructure of terrorists.

Sourani asserted that the Palestinian people have endured a most unique and distinguished experience. This experience is the outcome of very difficult circumstances. Civil society is intended to develop and push forward from such experience. One means of developing such experience is to enhance democracy, human rights, and the rule of law. These are now basic challenges confronted by the Palestinian people.

He mentioned that at the same time the occupation continues in its legal and physical shape according to the Oslo Agreement. It also continues in its attempt to create facts on the ground and to violate the social and economic rights of Palestinians. Also, it is working hard not to implement the legitimate rights of the Palestinian people. To achieve these goals, the occupation works at expanding the settlements horizontally and vertically, as well as at adding new settlements. In addition, its attempts to build bypass roads aim to transfer the Palestinian areas from being a unified geographical area into separated ghettos. The occupation intends to change the demographic and geographic characteristics of East Jerusalem through adopting the policy of ethnic cleansing and separating the West Bank from the Gaza Strip. In addition to all of this, the occupation adopted an organized and continuous closure policy for the occupied Palestinian areas aimed at prohibiting Palestinians from enjoying their economic and social rights.

Sourani asserted that the outcome of all of these policies is the deterioration in the human rights situation. This deterioration, he said, was the worst since the signing of the Oslo Agreement and forced the people not to trust the political process and to lose hope in the future. That is why Sourani warned that the Occupied Territories are becoming like a powder keg that may explode at any moment. Accordingly, the possibility of having a peaceful *Intifada* has become very unlikely while the possibility of having new bloodshed and a new cycle of suffering has drawn very near. This is because the Israeli policies are tantamount to an invitation to war. At the Palestinian level, Sourani asserted that the most important challenges confronted by the Palestinian people are how to establish civil society and protect its unity. He added that democracy, human rights, and the rule of law are the only means to mobilize the Palestinian people and to use their energy to achieve Palestinian national hopes and strengthen the Palestinian

Authority. The Palestinian people's rights are the only means that affirm the Palestinian people's civilization and guarantee for them the respect of the international community.

He asserted that in memory of the 50th anniversary of the Jewish state, the Universal Declaration of Human Rights, and *Al-Nakhba* it is illogical that the Palestinian people continue to be subjected to injustice. It is further illogical that the international community remains silent toward crimes that are being carried out by the Israeli occupation against Palestinians.

The meetings included a number of human rights activists, human rights organizations, academics, researchers, and Arab, European, and American diplomats, in addition to a number of American organizations working in the human rights field. The participants in the meetings asked tens of questions about the Occupied Territories. These questions reflected the participants' deep concern about what is going on in the Occupied Territories.

Between August 28-30, 1998, Raji Sourani participated in the work of the international conference for the defenders of human rights and their protection. The conference was held in Geneva, Switzerland. More than 80 participants and international human rights organizations took part in the conference, including Amnesty International, the International Commission of Jurists, and the International Federation for Human Rights. Mrs. Mary Robinson, the UN High Commissioner for Human Rights, opened the conference. The outcome of the conference was the approval of a convention for the protection of human rights activists.

Between September 3-6, 1998, by invitation from the World Bank, the Centre participated in a conference titled "Participation and Development" held in Marrakech, Morocco. The conference was a gathering for the Mediterranean countries and World Bank to highlight the role and the importance of NGOs in the region. The President of the World Bank, the Moroccan Crown Prince, the Moroccan Prime Minister, and the Moroccan Minister of Justice participated in the conference. Raji Sourani participated in the conference through a paper on the relationship of Arab NGOs with Arab governments and the legal framework that organizes this relation. Within the context of the paper, Sourani presented the Palestinian case and the latest developments concerning the draft law of Charitable Associations and Community Organizations which was approved by the Palestinian Legislative in its second draft on July 30, 1998.

On September 29, 1998, Raji Sourani participated in Sweden's celebration of the 50th anniversary of the Universal Declaration of Human Rights. The celebration was an initiative of the Swedish government and took place in Stockholm. Swedish Foreign Minister Lena Helum-Waln, UN High Commissioner for Human Rights Mary Robinson, and Swedish

Commissioner for Human Rights Peter Nobel, in addition to a number of human rights organizations, youth organizations, members of Parliament, academics, and journalists, participated in the celebration.

The celebration was held to highlight the human rights message. This message was the topic of a book that 50 of the world's most prominent human rights activists, including Raji Sourani, participated in writing. Each one of them wrote about his or her experience and personal reasons for working in the human rights field. The book is a message from these activists to the next generation in the struggle for human rights. The Swedish government took responsibility for printing the book in different languages and for its international distribution. Sourani was chosen to represent the other writers of the book in delivering a speech on their behalf at the celebration.

During his visit to Sweden, Sourani met with the International Commission of Jurists (Sweden Branch) and with Amnesty International as both of them have a cooperative relationship with PCHR. In addition, he met a number of Swedish officials.

Cooperation and Coordination between the Centre and Other Regional and International Organizations

During 1998 the Centre continued its efforts to improve its relations with regional and international NGOs concerned with human rights and well known for their support of the legitimate rights of Palestinians. The Centre considers its relationship with these organizations as a means to participate in enhancing and supporting the human rights movement in Palestine and participating in the international effort of the Centre to influence the stand of governments and international public opinion. Moreover, the relation of the Centre with these international organizations provides the Centre with a network through which it can address the concerned international commissions, especially UN bodies.

International Commission of Jurists - Geneva

Since September 1998 the Centre has been affiliated with the International Commission of Jurists located in Geneva. The Commission is an NGO and focuses its efforts on enhancing and monitoring the rule of law, judicial independence, and legal protection for human rights in the world. The Commission is considered the most important international jurist body and includes a number of jurists in 59 branches all over the world. Normally the Commission adopts the stands of the organizations which are members of it regarding their respective governments. Moreover, the Commission holds consultation status in the Economic Council and Social Council of the United Nations and in UNESCO, and in the European Council. The

Commission provides the Centre with the ability to dialogue with international commissions.

A Meeting between the Director of PCHR and the Secretary General of the International Commission of Jurists

On April 23, 1998, Raji Sourani, the Director of the Centre, met Adama Dieng, the Secretary General of the International Commission of Jurists. The meeting revolved around the bi-lateral relations between the Centre and the International Commission of Jurists of which the Centre is a member. In addition, the meeting discussed the aspects of the cooperation between the two organizations and evaluated such cooperation in the time leading up to the meeting.

The meeting concentrated on how to build the relationship in the future, particularly since this international organization holds the status of having the longest relationship with Palestinian human rights organizations in the Occupied Territories. In addition, the meeting discussed the deterioration of human rights in the Occupied Palestinian Territories, particularly at the legal and human level. It was agreed that Dieng and a delegation from the International Commission of Jurists would visit the Occupied Territories to highlight the deterioration in the human rights situation there.

Also, the meeting included some dialogue about the next conference of the International Commission of Jurists that was to be held in Capetown, South Africa in August 1998. The conference is held once every three years for member organizations.

The Conference of the International Commission of Jurists, Capetown, South Africa

In the period from July 20-24, 1998, the Centre participated in the conference of the International Commission of Jurists (ICJ) that was held in Capetown, South Africa. The Centre was represented by Director Raji Sourani. During the conference, Sourani criticized the participation of Professor Ruth Gavison, the President of ACRI, who was elected in September 1997 to be a commissioner of ICJ. The Centre rejected her participation due to an announcement of hers to the media that was picked up by the Israeli media in which she supported Israel's security forces in their use of torture against Palestinian detainees. This support contradicts basic standards of human rights. The participation of Professor Gavison was discussed in the Special Meeting of the Commissioners of the ICJ after a message delivered by the Centre and a number of other organization members. The message was transferred to the Executive Committee after it was made clear that torture contradicts the principles and norms of ICJ. Gavison denied the story presented by the press.

The conference included a meeting with the Asian Committee in ICJ on July 22, 1998. During that meeting the president of the Committee, Takow Yamada (from Japan), suggested the following:

1. The necessity to appoint a legal officer to be responsible for Asia and appointing another officer to be responsible for the Middle East.
2. The necessity to establish a location for ICJ in Asia for coordination in the region.
3. The necessity to hold a meeting once every year for the Asian and Pacific group.
4. The necessity to think about and to work on the possibilities for strengthening ICJ branches and how to establish new branches in the countries that do not have branches.
5. The necessity to lend support to any special rapporteur or any human rights activists whose lives are subject to dangers or threats (as in Burma, Indonesia, and the Philippines).
6. All of these suggestions were approved. Accordingly, the branch of the ICJ in Australia was selected as temporary coordinator to prepare for the Asian meeting. The Middle East was selected to host the next meeting of the ICJ conference and Raji Sourani was elected to the Coordination Committee for Asia.

PCHR Receives a Delegation from ICJ-Sweden

On October 22, 1998, the Centre received a delegation of eight jurists and lawyers from ICJ-Sweden. The delegation met the Centre Director and staff. The delegation received a comprehensive explanation about the human rights situation in the Occupied Territories, in addition to an introduction to the nature of the Centre's work, activities, and units.

In addition, the Centre organized a tour to the Palestinian Civil Court in Gaza for the guest delegation in which the delegation met a number of legal advisors and jurists, including the legal advisor Mahmoud Subha, the legal advisor Hamdan Al-Abadli, the legal advisor Zuheir Sourani, and the legal advisor Khalil El-Shyah. The advisors explained the mechanism of the court's work in the Gaza Strip and the problems they confront in their work, including the absence of a unified law in the West Bank and Gaza Strip. At the end of this visit, the delegation visited the buildings and offices of the court.

The Centre also organized for the guest delegation a tour in the Gaza Strip that included Deir Al-Baleh and Shati refugee camp, in addition to

Nitzarim, Kfar Darom, and Gush Katif settlements. During the tour the delegation listened to a precise explanation of the economic and social circumstances of the people in the Gaza Strip and the problems caused by the settlements and settler activities in the Gaza Strip.

In the evening, the delegation met in the Centre office with a number of lawyers, including the resigned Attorney General Mr. Fayyez Abu Rahma, Younis El-Jeru, Nader El-Khandaqji, Faraj El-Sharafa, Nahid Abu-Rahma, and Iyad Al-Alami, coordinator of the Legal Unit in the Centre. In addition to this, Dr. Amin Mekki Medani, the first technical advisor for the UN High Commissioner for Human Rights, participated in the meeting. During the meeting, the situation of the judicial authority in Palestine was presented as was the lawyers' work and the human rights situation pertaining to Israeli and Palestinian human rights violations.

The International Federation for Human Rights (FIDH)

The Federation Internationale des Ligues des Droits de l'Homme (FIDH) is an international non-governmental organization dedicated to the world-wide defense of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, FIDH has 89 national affiliates in all regions of the world. During 1996 PCHR became a participating member in the Federation and gained full membership on November 22, 1997. The Federation constitutes a location for the Centre to dialogue with international commissions, including UN bodies. During 1998 the Centre dialogued with many of these bodies as mentioned above.

The Arab Organization for Human Rights

The Arab Organization for Human Rights is the oldest Arab regional organization for human rights. It is located in Cairo. The Trustee Council of the organization includes a number of Arab human rights activists. In October 1997, the Director of the Centre was elected as a member in the Trustee Council of the organization. Sourani is considered the representative of Palestine in the Council. This, in fact, constitutes the Arab dimension of the Centre's work and reflects the organization's recognition of the Centre and its achievements. Since October 1997, Sourani has participated regularly in the meetings of the organization. The organization supports the Centre's efforts in protecting and promoting human rights in Palestine.

A Press Release by the Centre Expressing Its Support for the Egyptian Organization for Human Rights

On December 5, 1998, PCHR issued a press release expressing its deep concern over the arrest of Hafez Abu Saada, Secretary General of the

Egyptian Organization for Human Rights. PCHR called upon the government of Egypt to release him immediately.

PCHR mentioned in the press release that Mr. Abu Saada was arrested on the basis of a report published by his organization unveiling illegal procedures and crimes of torture perpetrated by the Egyptian security forces during investigations carried out in Al-Kasheh village in Upper Egypt. Consequently, the Egyptian media close to the government launched a propaganda campaign against the Egyptian organization. For example, they alleged that a grant received by the organization from the Human Rights Committee in the House of Lords was given in exchange for the publication of the report. The Egyptian organization, its Board, and its Secretary General strongly rejected these claims and asserted that the grant had no relation to the report. Rather, it was given to the organization to finance a legal aid program for women and the handicapped launched by the organization in 1995.

PCHR further stated in the press release that Hafez Abu Saada is one of the most prominent human rights activists in the region. PCHR believes that the measures taken by the Egyptian government against him constitute a violation of his right to express his opinion and constitute a threat to the Egyptian Organization for Human Rights, which is considered to be one of the region's leading human rights organizations. PCHR called on the government of Egypt to release him immediately. PCHR expressed its complete solidarity with the Egyptian Organization for Human Rights against this unfounded attack. PCHR also called upon the Board of the organization to cancel its recent decision to freeze the activities of the organization – a decision taken as a result of this crisis.

Meetings in Gaza between the Centre and Politicians, Diplomats, UN Representatives, and Other International NGOs

During 1998 the representatives of the Centre met tens of visitors to the Centre and the Gaza Strip. These visitors included politicians, representatives from the United Nations and its commissions, and officials from other international NGOs. During those meetings the situation of human rights in the Occupied Territories was discussed in relation to Centre activities. Usually the Centre encouraged its international guests to do their best to influence the position of their countries and the public opinion there in order to support enhancing and protecting Palestinian human rights and the legitimate rights of the Palestinian people.

The following is a list clarifying the most important people and institutions that were met by the Centre and its staff during 1998.

Date of visit	Names of visitors and institutions
January 5	1. Troels Victor Dalgaard, Deputy Head, Royal Danish Representative Office in Palestine

January 11	1. Craig Mokhiber, UNSCO Office 2. Konrad Muller, First Secretary, Australian Embassy in Israel
January 13	1. John Lister, First Secretary, American Embassy in Israel
January 15	1. Carsten Jurgensen, Program Coordinator, Friedrich Naumann Stiftung 2. Ambassador Hannu Halinen, UN Special Rapporteur on Human Rights in the Occupied Territories 3. Kirsty Wright, Coordinator, Canada Fund Program; and Shawn Barber, First Secretary and Consul, Canadian Embassy
January 17	1. Catherine Sumner, Lawyer from Australia
January 21	1. Marcia Hansen, Christian Aid 2. Khader Muslih, European Commission
January 22	1. Jacques Villetaz, Head of Mission, International Committee of the Red Cross 2. Annie Jay, Field Coordinator, UNAIS 3. Marcia Hansen, Christian Aid
January 26	1. Torgeir Larsen, Senior Executive Officer, Representative Office of Norway in Palestine
February 1	1. Linda Hir, Central Mennonite Central Committee
February 2	1. Sam Muller and Linda Taylor, Legal Unit of UNRWA
February 4	1. A delegation from the Danish Foreign Ministry
February 5	1. Fateh Azam, Ford Foundation; Per Stadig, the International Commission of Jurists – Sweden; Khader Shkirat, Director of LAW 2. Torgeir Larsen, Senior Executive Officer, Representative Office of Norway in Palestine
February 8	1. Ian Wilcock, Ambassador of Australia in Israel; Konrad Muller, First Secretary; and Catherine Sumner, Program Legal Consul, International Development Law Institute
February 9	1. Delegation from Temporary International Presence in Hebron (TIPH) from Chief Commission UNSCO
February 10	1. Catherine Branson, Australian Deputy Chief Justice; and Amin Mekki Medani, the First Technical Advisor in the UN High Commission for Human Rights

February 11	1. John Lister, First Secretary, American Embassy in Israel
February 15	1. Robin Keely, British General Consul in Jerusalem; Peter Hanson, Operation Manager in UNRWA
February 17	1. Nuhad Jamal, Program Coordinator; John Harvey, Development Coordinator, Grassroots International
February 18	1. Torgeir Larsen, Senior Executive Officer, Representative Office of Norway in Palestine
February 26	1. Dr. Amin Mekki Medani, the First Technical Advisor in the UN High Commission for Human Rights
February 28	1. Delegation from World Veterans Federation headed by Christian Provoost, Program Manager
March 4	1. Karin Roxman, Swedish Consul General in Jerusalem
March 5	1. Shaha Ali Riza, World Bank 2. P. Harish, Ambassador of India to the PA 3. Dash Larson and Kirsten Lund, Dan Church Aid
March 7	1. Konrad Muller, First Secretary; Virginia Plowman, Third Secretary, Australian Embassy in Israel 2. Elizabeth Hodgkin, Amnesty International
March 8	Delegation from CAW – Canada
March 29	1. A meeting with Mr. Alfred Etherton, Department of Foreign Affairs, U.S.A.
March 30	1. Agustin Velloso, Professor of Comparative Education, Spain
March 31	1. Mirjam Wust Kruppa, Lawyer, Germany
April 1	1. A meeting with a Swedish delegation through UNSCO; delegation as follows: - Mr. Ulf Goeranson, Head of Swedish National Police College - Mr. Lennart Karlsson, Deputy Head of Swedish National Police College - Ms. Agneta Essen, Head of International Cooperation - Mr. Erlinh Soerensen, Police Advisor – UNSCO 2. Linda Hir, Mennonite Central Committee
April 4	1. Jacques Salles, President, French-Palestine 33 Institute, France
April 5	1. Andre Lorsen, Legal Researcher from Denmark 2. Sami Zemni and Christopher Parker, Researchers, Center for Third World Studies, Middle East Institute, University of Belgium
April 15	1. Jacques Villetaz, Head of Mission, International Committee of the Red Cross (ICRC)

April 16	1. John Hajard, Swedish Ambassador to Israel and Karin Roxman, Swedish Consul General in Jerusalem
April 18	1. Hani Megally, Middle East Watch
April 19	1. Richard Villa, Lawyer, MPDL
April 22	1. A delegation from the Norwegian Foreign Ministry, including the following: - Mr. Leiv Lunde, State Secretary - Ms. Tanja Storm, Assistant Secretary General - Ms. Aud Kvalbein, Political Advisor - Mr. Wegger Strommen, Political Advisor - Mr. Per Egil Selvaage, Advisor - Mr. Arne Gjermundsen, Head of Division, Middle East Desk
April 23	1. John Lister, First Secretary, American Embassy in Israel
April 27	1. Pierre Sane, General Secretary of Amnesty International; Dr. Eyad El-Sarraj, Gaza Community Mental Health Programme; Khader Shkirat, Director of LAW 2. A delegation of managers of Amnesty International organizations from throughout the world
April 28	1. Jamila Hamami, Refugee Children of the World; Mariam Zaout, Manager of Free Culture and Thought Institute (Khan Younis) 2. Turid Smith Polfas, Researcher, University of Oslo
April 29	1. Elizabeth De Vos, Professor of International Law, Holland
May 5	1. Geroen Gunning, University of Durham
May 6	1. Annie Gie, UNAIS
May 13	1. Linda Taylor, Sam Muller, and Professor Kathleen Mahoney, UN
May 19	1. Schneegons Vicuceul, Lawyer, France
May 20	1. Linda Hir and Patricia Chile, Mennonite Central Committee in Jerusalem 2. Thierry Bechet, Representative of the European Union
May 21	1. Per Stadig, International Commission of Jurists – Sweden
May 27	1. Kim Stanton, Department of Legal Affairs, UNRWA
May 29	1. Uffe Gjerding, Dan Church Aid
June 2	1. A meeting with a parliamentary European delegation through the European Union
June 4	1. Khidfa Radonovich, Manager of the Palestinian-Israeli Physicians for Human Rights
June 6	1. Lawyers Andre Rosenthal and Mustafa Yahya from Jerusalem
June 17	1. Dr. Amin Mekki Medani and Francesca Moroto from the Human Rights Center of the United Nations

June 25	1. Romani Leallend, Christian Aid
June 28	1. Allen Ashliman, new Head of Mission, ICRC in Tel Aviv; Ees Jofanoni, prior Head of Mission, ICRC 2. Jan Carter, Executive Director, UNAIS
June 29	1. Uys Vilgoen, Head of South Africa Representative Office, Palestine
July 5	1. Yasmin Waljee and Geoffrey Bindman, Law Society of England and Wales
July 8	1. Reverend Mark Brown, Chairman, Churches for Middle East Peace
July 13	1. Members from Kingston Uelfair Rights Union Chery Honkala Institute
July 21	1. A delegation from the German Democratic Socialist Youth Organization 2. Dr. Ahmed Banani, Professor of Political Science in Lausanne University, Switzerland
July 22	1. Jacques Villetaz, Head of Mission, ICRC in Gaza; and Catherine Deman, Legal Advisor of ICRC
July 28	1. Michael McGrath, Program Manager, Save the Children Federation
July 29	John Lock, Program Manager, UNV 2. Jacques Villetaz, Head of Mission, ICRC in Gaza; and Catherine Deman, Legal Advisor of ICRC
August 2	1. Hugh Swift, Ambassador of Ireland to Egypt
August 5	1. Jacques Villetaz, Head of Mission, ICRC in Gaza
August 11	1. A meeting with a delegation from the Ford Foundation held in the Palestinian Independent Commission for Citizens' Rights office in Ramallah 2. A meeting with a delegation from the Danida Danish Institute held in the Gaza Community Mental Health Programme 3. James Turpin - European University Institute, London
August 13	1. David Martin, Director, British Council in Jerusalem; and Christine Perdsleu, Director, British Council in Gaza
August 17	1. Alice Johnson, The Palestinian Center for Conflict Resolution
August 19	1. Francis Le Trionnaire, Attache, Cooperation Educative et Linguistique, Consulat General de France, Service Culturel
August 21	1. Rachad Antonius, C.E.A.D., Canada
August 27	1. Carsten Norgaad, Royal Danish Representative Office in Palestine

September 16	<p>A Parliamentary Norwegian Delegation (Legal Committee)</p> <p>The delegation included the following:</p> <ul style="list-style-type: none"> - Kristin Krohn Devold - Conservative Party, Head of the Committee - Vidar Bjornstad – Labor Party - Bjorn Henaes - Conservative Party - Finn Kristian Marlhinsen – Christian Democratic Party - Astrid Marie Nistad - Labor Party - Tor Nymo - Center Party - Morten Olsen - Center Party - Jan Petter Rasmussen - Labor Party - Jan Simousen - Progress Party - Aue Sofie Tomrneras - Labor Party - Ase Wisloff Nilssen - Christian Democratic Party - Brenno Brit - Secretary of the Committee
September 21	1. Delegation from Association of Christians Against Torture – France
September 22	<p>1. Karin Roxman, Swedish Consul General in Jerusalem</p> <p>2. Robin Keely, British Consul General in Jerusalem</p>
September 26	1. Christina Regnell, Desk Officer, Asia Department; Anne Bruzelius, Deputy Director, Asia Department; Mats Bengtsson, Program Officer, Division for the Mediterranean Region, Asia Department, CIDA; and Ingrid Sandstrom, Consul, Swedish Consulate in Jerusalem
October 8	<p>1. Fateh Azam, Ford Foundation</p> <p>2. Marcia Hansen, Christian Aid</p>
October 11	1. Marcia Hansen, Christian Aid
October 13	1. Catherine Essoyan, NOVIB
October 17	1. Jacques Blum, Chairman; Uffe Gjerding, Program Coordinator of the Middle East, Dan Church Aid.
October 19	1. Phillip Hazelton, Executive Officer, APHEDA – Australia
October 21	1. James Shaw, Legal Advisor, UNSCO
October 22	1. Per Stadig, the International Commission of Jurists – Sweden; and a delegation of lawyers
October 24	<p>1. Nadim Karkutli, Assessor Jur./M.A.; and Butzler Dirl, Attorney, European Commission</p> <p>2. The Committee for Evaluating the European Commission Program in North Africa and Middle East (the program of Meda Democracy)</p>
October 26	1. John Lister, First Secretary, American Embassy in Israel
October 27	1. Mathio Finston, Palestinian-Israeli Desk in the Ministry of Foreign Affairs, U.S.A.
October 31	1. Petear Gunning, Irish Ambassador in Cairo

November 5	1. Paul De Waart, Professor Emeritus of International Law, Vrije Universiteit, Amsterdam; and Lawyer Hassan Rafiq Jabareen, Justice Institute, the Legal Center for the Rights of the Arab Minority in Israel
November 10	1. Torgeir Larsen, Norwegian Representative Office 2. Chinmaya Gharekhan, Representative of the Secretary General of the United Nations and UN Special Coordinator in the Occupied Territories
November 11	1. Kristiat Profest, Manager of the Economic Program of the International Federation of Veterans
November 14	1. Delegation from Danida Danish Institute
November 19	1. P. Harish, Ambassador of India in the PA
November 23	1. Virginia Plowman, Australian Embassy
November 24	1. Jacques Villettaz, Head of Mission, ICRC in Gaza
November 25	1. Criston Nakleh, the French Deputy Consul in Jerusalem
November 26	1. A delegation from the French-Palestine 33 Institute
December 1	1. Abdel El-Hay El-Alami, International Commission of Jurists – Sweden 2. Gerald Russed, British Council
December 2	1. A meeting in Ramallah with a delegation from the Swiss Development Agency
December 3	Marie Claude Grenon, Representative, OXFAM – Quebec
December 17	1. Catherine Sumner, Program Legal Counsel, International Development Law Institute 2. Carsten Norgaard, Royal Danish Representative Office in Palestine
December 29	1. Karin Roxman, Swedish Consul General in Jerusalem

Receiving Visiting Delegations at PCHR

During 1998 the PCHR received 32 international delegations visiting the Occupied Palestinian Territories. The Centre presented to its visitors a comprehensive explanation of the human rights situation and encouraged them to work to influence the policies of their government and the public opinion in their countries to support the legitimate rights of the Palestinian people and to work at enhancing and respecting the human rights in the Occupied Territories. What follows is a list of the visiting delegations to the Centre for 1998.

Date	Institute and Country	The number of participants	The Coordinator
January 17	A group of journalists and university professors from the United States of America headed by Shirabe Umada, Program Coordinator, Global Exchange	7	–
January 22	A delegation from Sand Olive	14	Middle East Council of Churches
February 16	A delegation of participants in the International Conference in the Service of Bethlehem	18	Middle East Council of Churches
February 18	Amos Trust - United Kingdom	13	Middle East Council of Churches
March 3	Middle East Studies Program, Richard Cahill	19	Middle East Council of Churches
March 21	Church of Sweden	20	Middle East Council of Churches
March 25	Dan Church Aid – Denmark	6	Middle East Council of Churches
March 29	A delegation of international students from Birzeit University	30	Birzeit University
March 30	Pax World Service - United States of America	25	Middle East Council of Churches
April 2	World Learning	13	Nafez Abu Mathkour, Queen Land
April 22	Lutheran World Relief	16	Middle East Council of Churches
May 3	A delegation from different churches in the Netherlands	26	Middle East Council of Churches
May 16	Ellen Okar and Dina Al Sawayel, Professors, Political Science, Rice University, U.S.A.	12	–
May 27	Evangelische Erwachensnbnildung, Protestant Church, Germany	18	Dr. Fawaz Abu Sitta
June 22	Middle East Children's Alliance, USA.	18	Barbara Lubin
June 25	A student delegation from the United States of America	20	Joe Zogby
July 16	Summer Program at Tantor Institute Jerusalem	10	

July 21	The German Social Democratic Youth Organization	6	Jamal Abu Nahel, FIDA
August 2	International students from Birzeit University	40	Birzeit University
September 10	Gerhard Pulfer Martin Mayer Group BADIL	11	Nafez Abu Mathkour Queen Land
September 12	A delegation from the Netherlands	26	Middle East Council of Churches
September 26	Rev. Dr. Alan Reid, Australian Council of Churches	17	Middle East Council of Churches
October 22	Dr. Richard Cahill, Middle East Studies Program, Cairo University	23	Middle East Council of Churches
October 27	Sweden Christian Study Centre	19	Middle East Council of Churches
October 29	Sweden Christian Study Centre	35	Middle East Council of Churches
November 1	Birzeit University PAS Students	17	Palestinian Center for International Relations
November 3	Sweden Christian Study Centre	40	Middle East Council of Churches
November 4	School for International Training	7	AMIDEAST
November 4	A delegation from different countries organized by the planners of Oslo	7	The Office of the Special Coordinator of the United Nations
November 18	Friends World Program	17	–
December 8	Lutheran World Relief	19	Middle East Council of Churches
December 31	St. Olaf College, U.S.A.	25	Middle East Council of Churches

Interviews with Representatives of Local and International Media

During 1998 the Director and staff of the Centre met tens of journalists and representatives from local and international media. The following is a list of journalists and media organizations met by the Centre during the year.

Date	The name of the journalists and the media organizations
January 12	1. BBC World Service 2. Mona Gaber – Germany
January 14	1. The Voice of Palestine
January 25	1. BBC World Service

February 3	1. BBC World Service 2. Penny Young
February 4	1. Austria Magazine
March 15	1. Alan Borsuk and Sam Laflood, Milwaukee J. Sentinel
March 26	1. Ales Gaube, Dnevnik Newspaper 2. Frvin Hladwik-Milharcic, Correspondent, DEZO Newspaper
March 28	1. Richard Scheinin, Religion and Ethics Writer, San Jose Mercury News, U.S.A.
March 29	1. Ricardo Uilla, MPDL
April 2	1. Duteil Aireille, Reporter, Le Point, Paris
April 15	1. Matt Rees, Correspondent, The Scotsman 2. Ilene Prusher, Correspondent, Christian Science Monitor
April 28	1. John D. Battersby, Editor, The Sunday Independent, South Africa
May 7	1. Jurgen Hogrefe and Andre Brutmann, DER SPIEGEL, The German News Magazine
May 11	1. Ferran Sales Aige, Middle East Correspondent, EL PAIS, Spain
May 12	1. Aurelie Carton, Journalist, CCFD, France
May 25	1. Isabel Kershner and Saud Abu Ramadan, Jerusalem Report
June 9	1. Lee Hockstader, Jerusalem Bureau Chief, The Washington Post
June 13	1. Judy Dempsey, Journalist, Financial Times
June 21	1. Group of Journalists, Global Exchange
July 28	1. Alain Frilet, French Journalist
August 1	1. Aartel Fredenc, French Journalist
August 15	1. Ghazi Sukar, Al-Haqiqah Magazine
August 17	1. Imad Eid, Al-Istiqlal Newspaper
August 19	1. Abdel Salam Abu Askar
August 26	1. Fathi Subbah, Al-Haqiqah Magazine
September 12	1. Cia Silver and Hederic Swissson, Swedish Television 2. Lars Gunwar Ercandson, Correspondent, Swedish Radio
September 23	Abdel Wahab Kulab, Anba' News Agency
October 18	1. Cerance Lecaisne, French Journalist
October 23	1. BBC World Service
October 27	1. Lee Hockstader, The Washington Post 2. Inez Polak, Foreign Editor, and Dora Rovers, Middle East Correspondent from Holland 3. TIMES Magazine
October 30	1. Radio France International 2. ABC – U.S.A.
November 2	1. Betsy Hiel, Reporter, Blade Newspaper, U.S.A.
November 3	1. Lee Hockstader, The Washington Post
November 5	1. Sylke Tempel – Germany
November 8	1. J. Henrik Nilson – Sweden

November 12	1. Mehdi Benchelah, Radio France International
November 17	Nahida Abu Toima Saleh Abu Rahme accompanied by a Danish journalist
November 29	1. Fathi Subbah, Al-Haqiqa Magazine
December 1	1. Fatima Maslha, Al-Risala Newspaper
December 5	1. Fathi Subbah, Al-Haqiqa Magazine 2. Hussein Alian, Reporter, CNN World Report Contributor, BBC 3. Miha Makelainen, Reporter, Finnish Broadcasting Company, Finland
December 7	Dina Nasoetti, Journalist, L'ESPRESSO, ITALY
December 14	1. Dr. Joop Meijers, Middle East Correspondent, ALGEMEEN DAGBLAD

Participation in Training Sessions to Upgrade Centre Staff Expertise

Within the context of efforts to further develop its staff, the Centre sent a number of its staff from different units to participate in local, regional, and international training sessions.

In the period between March 17-29, 1998, Khalil Shaheen, researcher in the Economic, Social, and Cultural Rights Unit, participated in the first phase of the training program for upgrading the abilities of trainers that was held in Amman, Jordan. The program was organized by the Arab Institute for Human Rights located in Tunisia with the aim of creating a qualified and professional cadre of workers in human rights organizations in the Arab world.

Twenty-one male and female participants took part in the program and the program itself included three phases. The program will help in developing the training program of PCHR.

In the period between May 23-28, 1998, Mona Shawa, researcher in the Women's Rights Unit, participated in a training session organized by the Women's Studies Center located in Jerusalem. The session was titled "Social Gender Analysis."

In the period between June 21 to July 12, 1998, Mona Shawa participated in International Training Session Number 19 about human rights. The session is organized yearly by the Canadian Institute for Human Rights located in Quebec, Canada. One hundred and fifteen participants from different areas of the world took part. The session aimed at upgrading the skills and knowledge of the participants in the human rights field and enhancing the relationships between human rights institutions in different parts of the world.

In the period between June 24 to July 3, 1998, Hanan Matar, the lawyer in the Women's Rights Unit, participated in a training session organized by the Women's Affairs Team in Gaza titled "Planning and Management for Female Managers in Women's Organizations."

In the period between July 31 to August 13, 1998, Khalil Shaheen participated in the second phase of the program for training trainers. The program is directed at upgrading the skills and capabilities of people who are going to train others in human rights. The program was organized by the Arab Institute for Human Rights located in Tunisia. This phase was held in Tunis.

In the period between August 6-August 31, 1998, Ibrahim Sourani, lawyer in the Legal Unit, participated in Session Number 29 on human rights organized by the International Institute for Human Rights in Strasbourg, France. The session aimed at upgrading the knowledge and expertise of the participants concerning the basic standards and systems for protecting human rights. Four hundred and twenty participants from different areas of the world took part in the session.

In the period between September 10-17, 1998, Issam Younis and Iyad Al-Alami participated in a workshop about conflict resolution organized by the Middle East Council of Churches. The workshop was held in Cyprus.

In the period between September 16-19, 1998, Hanan Matar from the Women's Rights Unit participated in seminars on "Women, Development, and Democracy" organized in Morocco by the International Federation for Human Rights (FIDH), Moroccan Organization for Human Rights, and Moroccan Society for Human Rights. Approximately 40 participants from Tunisia, Algeria, Morocco, Mauritania, Senegal, and Palestine took part in the session. The session aimed at strengthening the relations between women's organizations and those working in human rights. It also aimed to highlight the problems confronted by women in the participating countries and to help develop new skills in human rights. Matar presented a working paper in which she discussed the problems confronted by Palestinian women. She also discussed the personal affairs laws that are being implemented in the Gaza Strip.

In the period between November 14-25, 1998, Nafez Khaldi, researcher in the Democratic Development Unit, participated in Session Number 9 organized by the Arab Institute for Human Rights located in Tunisia. Normally members of local Arab human rights organizations participate in the session. The session aimed at strengthening the skills and capabilities of participants to upgrade the standards of human rights organizations in Arab countries.

CONCLUSION

This report is the outcome of the Centre's work during 1998. It presented a detailed and comprehensive report of the human rights situation in the Gaza Strip and in a less comprehensive manner in the West Bank. The report focused on the fundamental manner in which human rights were violated by Israel and the Palestinian Authority. The report presented the activities of the Centre to protect human rights. Moreover, the report detailed the work of the Centre locally, regionally, and internationally, including its effective activities with concerned international commissions, especially UN commissions. As this report helps to illustrate the human rights situation in the Occupied Palestinian Territories during 1998, it should be regarded as an important Centre document helping to direct the Centre in its efforts to design its strategy and policies for the years ahead.

FINANCIAL REPORT