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INTRODUCTION

We introduce to the reader the 1999 Annual Report for the Palestinian Centre for Human Rights (PCHR). Contained within is a narrative and financial report for the period from 1 January – 31 December 1999. 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 by the Israeli occupation on the freedom of movement 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.

PCHR hopes that this report will contribute to highlighting the most prominent human rights violations in Palestine, and 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. The financial report is published by a professional auditing institution. Publishing the financial report reflects our deep belief and our fundamental policy of maintaining the transparency of the PCHR as a non-governmental, non-profit organization that provides free services to the community.

PCHR continued, during the year of 1999, its work aimed at protecting Palestinian human rights, and supporting efforts and activities aimed at building the Palestinian national state with its capital in East Jerusalem, and achieving Palestinian political rights, particularly the right of self determination, ending the Israeli occupation for the Palestinian occupied territories, establishing democratic institutions, enhancing the rule of law, and promoting human rights. At the end of 1999, PCHR is disappointed at the challenges still faced by the Palestinian national project on the one hand, and by the increase in human rights violations in the occupied territories, on the other. While the Israeli occupation forces are directly responsible for the latter violations, it is also clear that the PNA is basically responsible for the internal defects.

This year witnessed the expiry of the interim period which started on 4 May 1994 with the establishment of the Palestinian National Authority in small parts of the

West Bank and the Gaza Strip for a period of five years according to the interim agreements signed between Israel and PLO. Despite the announcement on more than one occasion of its intention to declare the Palestinian State by the end of the interim period on 4 May 1999, the Palestinian leadership, due to political considerations and pressure from the international community, did not make the declaration. Accordingly, 4 May 1999 passed without such a declaration, and without a date being set for the end of the Interim period.

It seems that the announcement by the Palestinian leadership of its intention to declare the state came in response to blocks in the peace process, especially during the period of the former Netanyahu government. On 23 October 1998 the Palestinian president Yasser Arafat, and the former Israeli Prime Minister Binyamin Netanyahu signed the Wye River Memorandum after intensive efforts by the American administration to push forward the peace process. The Memorandum concluded, among other things, a timetable of three months to implement the second phase of redeploying Israeli occupation forces in the West Bank according to the Israeli-Palestinian interim agreement signed on 28 September 1995.

Soon after the signing of the Memorandum, the Israeli government adopted new illegal measures in order to change the geographical characteristics of the Palestinian territories, and to create new facts on the ground, through escalating settlement activity and land confiscation. These measures contradict the signed agreements between the two sides. Accordingly, and once again, the peace process had been blocked, and it became clear that Israel would not respect the specified dates in the interim agreements, and furthermore that an agreement on permanent status would not be concluded by the end of the interim period.

On 4 January 1999 the Israeli Knesset decided to carry out primary elections for the Knesset and the Prime Minister on 17 May 1999, one and half years before the scheduled date. The decision was made after Netanyahu's loss of majority in the Knesset, and after the Knesset approved in the first reading on 21 December 1998 the opposition proposed law concerning the primary election. As a result, the United States pressured the Palestinian leadership to postpone its declaration of a Palestinian state until after 4 May 1999, and to wait until the governmental reform in Israel had taken place. The wish being that the Labor party would take power and bring the peace process back on its track. In its exceptional meeting held in Gaza between the period of 27-29 April 1999 to discuss the declaration of a state, the Palestinian Central Council decided to postpone the meeting until after the Israeli election, and no decision concerning the state declaration was concluded.

On 17 May 1999 the primary election in Israel took place. As result of this election, the Labor alliance headed by Ehud Barak took power, replacing the Likud alliance headed by Binyamin Netanyahu.

These political developments in Israel cannot be isolated from other developments at the international level. On 8 February 1999 an important international event

took place. The United Nations General Assembly passed a resolution calling for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention of 1949. This conference was to be aimed at searching for and discussing measures to enforce the application of the Convention in the OPTs.

The conference was held on 15 July 1999, less than two months after the primary election in Israel. Once again, political interests and considerations took priority over the commitments under the Convention. But this time it was not at the expense of the peace agreements and their deadlines, but at the expense of international agreements and conventions, which are considered the basic legal reference for the protection of Palestinian civilians in the OPTs. After pressure was applied by the United States upon the High Contracting Parties the Conference was held in Geneva on 15 July 1999 for a period of no more than 10 minutes. In fact, the Conference failed to take any measures against Israeli violations of the Convention in the Occupied Palestinian Territories. The conference represents a defeat for international law and human rights conventions. Hopes for changes in policy by the new government in Israel and an inclination to grant the peace process “a chance” influenced to a large degree the change in stance of many of the High Contracting Parties. The influence of pressure from the United States, especially against the European countries, regarding the Conference and its goals, was also influential.

The record of Israeli violation of human rights and humanitarian international law in the Occupied Palestinian Territories under the new government has not differed in its essence from during the former government’s term in office. Although the Israeli-Palestinian negotiations have been resumed and despite the conclusion of the Sharm El Sheik Memorandum on 5 September 1999, Israel failed during 1999 to fulfil its basic commitments under the Memorandum. The redeployment of Israeli Occupation Forces in the West Bank, which had been agreed to be carried out on 15 November 1999, was not implemented.¹

Furthermore, despite the agreement between the two sides in the Memorandum to resume negotiations on the Final Status issues and the reaffirmation that such negotiations would lead to the implementation of United Nations' Security Council resolutions 242 and 338, Barak has announced that the resolution 242 will not be implemented in the West Bank and the Gaza Strip. His announcement was made on 7 November 1999, immediately before the resumption of the Final Status negotiations in Ramallah on 8 November 1999. In this context, Israel continued its violations of human rights in the OPT during 1999, and no essential change has been recorded in this regard under the new Labor government.

¹ According to the Sharm El Sheik Memorandum, it was agreed to transfer 2% of the West Bank from Area B (under Israeli security control and Palestinian civil control) to Area A (under Palestinian civil and security control) and to transfer another 3% of the West Bank from Area C (under Israeli civil and security control) to Area B. At that time the Palestinian side refused to agree to redeployment maps announced unilaterally by Israel and the negotiation between the two sides in this regard had not made any progress. On 5 January 2000, the above mentioned redeployment process was carried out in accordance with the Israeli map after the Palestinian side accepted it.

This year also witnessed a continuation in the Israeli Occupation Forces' use of excessive use of force against Palestinian civilians in circumstances that do not constitute a threat to the lives of these forces. During 1999, 13 Palestinians were killed by occupation forces. The last of these was on 13 December 1999, when occupation forces fired bullets and missiles into a house in Beit Awa village in Hebron. Two men wanted by the Israeli security forces were killed. This operation followed 40 days after a statement made before the Knesset by the Israeli Deputy Minister of Defense, Fraim Snei, after a military operation carried out by unidentified people against settlers in the West Bank. In his statement he boasted that he "gives the terrorists who carried out the attack in Turkumiya one year to live". He added that the people responsible would be found, arrested and killed.²

During 1999, the Israeli Occupation Forces continued settlement activities throughout the Occupied Palestinian Territories. PCHR recorded more than 43 cases of attack against Palestinian land in the Gaza Strip, in comparison to 33 similar cases in the previous year. This notable increase in settlement activity in the Gaza Strip, which is not considered a strategic area from the Israeli point of view, suggests even more dangerous escalation of settlement activity in the West Bank, including Jerusalem. This is, in fact, confirmed by reports of human rights organisations in the area. The Israeli Peace Now movement records that settlement activity during the Barak government is proceeding at a rate 10 times higher than under Netanyahu.³ This escalation in settlement activity took place simultaneously with an Israeli campaign aimed at misleading the public opinion in the international community. In this respect Barak announced his intention to adopt a group of decisions concerning 42 settlement outposts in the West Bank. The Israeli media intensively covered the activities of the Israeli Occupation Forces during their actions to dismantle one of these outposts on 10 November 1999. In fact the settlement outposts were not dismantled, and many were retrospectively added to the number of established settlements recognised by the Israeli government in the West Bank.

Meanwhile the Occupation forces gave great priority to increasing settlement in Jerusalem and the areas close to it, while the policy of the Israeli government continued to be aimed at judaization of the city and ethnic cleansing. During 1999 the Israeli government continued to withdraw the Jerusalem identity cards of Palestinian civilians in the city, thereby denying their right to reside in the city, in a deliberate and organised manner, despite its claim to have changed this policy.⁴

Israeli occupation forces continue to implement the closure policy imposed on all the OPTs and continue to restrict the right of Palestinians to move between the

² Yadout Aharanout newspaper, 3 November 1999.

³ Published in Palestinian newspapers on 21 August 1999, transferred from Israeli news published the previous day.

⁴ According to the Speaker on behalf of the Israeli Ministry of the Interior the number of identities withdrawn from civilians in Jerusalem between the beginning of January until mid-October 1999 is 394.

West Bank and the Gaza Strip through Israeli territory. In addition the Israeli government continues to isolate Jerusalem from the rest of the OPTs. Furthermore, at the three border crossings from the OPTs, (Al Qarama border crossing between West Bank and Jordan, Rafah border crossing between Egypt and the Gaza Strip, and Gaza International Airport), which are controlled by Israel, restrictions were often imposed on the movement of civilians between the OPTs and outside.

Moreover Israel continues to impose restrictions on internal and external Palestinian trading activities, in a manner that negatively impacts the Palestinian economy and prevents any chance for economic or social progress. The closure policy is a violation of human rights, particularly economic, social and cultural rights.

On 25 October 1999 a safe passage between the Gaza Strip and the West Bank was opened. Hopefully this development will contribute to achieving the right of Palestinians to free movement during the year 2000. However, the indications in 1999 were disappointing. The measures imposed on the passage cannot be described as "safe" as it is completely controlled by Israel, who has the full authority to decide the passage procedures and the people who are allowed to use the passage. The trip between Gaza and Ramallah in the West Bank, through the safe passage, takes more than five hours (compared to one and half-hours under normal conditions). During the period between 25 October and 31 December 1999 more than 5000 civilians from the Gaza Strip were prevented from using the safe passage.

At the end of 1999, more than 1600 Palestinians remain detained in Israeli prisons. Among them are children and administrative detainees (held without trial). In spite of the peace process, the Israeli security forces continue to arrest Palestinians, including those who live in the areas under PNA control. This year has recorded the arrest of more than 500 Palestinians from the Gaza Strip alone. The Palestinian prisoners in Israeli jails and detention centres face inhumane conditions and are prevented from obtaining suitable medical care. During 1999 a Palestinian detainee died due to medical negligence, while another was killed by unknown persons upon his release from an Israeli jail.

1999 also witnessed two important developments concerning the prisoners issue. The first was the Israeli High Court decision in September to ban torture. This decision was distributed by the Israeli government in the international press in an apparent attempt to face continuous criticism of Israel's practice of torture against Palestinian prisoners and to counter the campaign of international human rights organisations which targets Israel as the only state in the world to have legalised torture. Although the Court decision is an important step in the struggle of human rights organisations against torture, it includes an invitation from the Court to the Israeli legislative authority (Knesset) to draft a law allowing torture.⁵

⁵ See details of this decision and the comments of PCHR at page 27 of this Report.

The second development was the release of 383 Palestinian and Arab prisoners between 9 September and 30 December 1999, under the Sharm El Sheik Memorandum. One disturbing aspect of these releases was the discrimination between prisoners. Only a tiny number of the prisoners released were from the Islamic Opposition, or from amongst Palestinian citizens of Israel who belonged in the past to the Palestinian Resistance Movement, or prisoners who carried out operations against Israelis. Only seven prisoners from Jerusalem were released, on 30 December 1999, within the third stage of the releases. Despite these developments, the issue of Palestinian prisoners in Israeli jails is still unsolved, and five years after the signing of the first interim agreements in 1994, there remains more than 1600 Palestinian prisoners detained in Israeli prisons.

Israel also continued to pressure the PNA, with the backing and support of the American administration, to violate human rights in the areas under its jurisdiction, including urging it to carry out illegal waves of arrest against the Palestinian opposition. Under the Sharm El Sheik Memorandum, the Israeli-Palestinian "security coordination" provisions include the submission of reports by the PNA to Israel and the arrest by the PNA of suspicious people. Despite these pressures, the PNA is directly responsible for human rights violations in the areas under its jurisdiction.

Additionally, 1999 witnessed the continuation of structural defects in the PNA's practices. Human rights violations have been recorded on several levels despite a number of measures, which were expected to positively influence the PNA's practices.

On 11 June 1999, the post of Chief Justice and Head of the Palestinian High Court was filled after being vacant since before February 1998. On 19 June 1999, the Attorney General position was also filled after a vacancy since the beginning of May 1998. Moreover, on 24 June 1999, the PNA issued the Law of the Legal Profession. Also, on 19 September 1999, the Palestinian President Yasser Arafat issued a Presidential Decree affirming the mandate of the Chief of Justice, a mandate that had been subjected, in the past, to intervention by the PNA in a manner that undermined the independence of the judiciary.

It was expected that these measures would contribute to strengthening the Palestinian justice system and to enhancing the rule of law and the independence of the judiciary, and to ending the overriding of the judicial system by the executive authority and law enforcement bodies. However, the conditions of the judiciary and human rights did not witness any essential changes by the end of 1999. Salem El Zanoun, Head of the Palestinian National Council, announced that the conditions of the judiciary are now worse than forty years ago.⁶ On 11 October 1999, the judges held a press conference in Ramallah and announced that they would strike, asking for structural changes in the judicial system and for the appointment of a judicial council to administer the issue of judicial authority.

⁶ Statement delivered at a Conference held at Birziet University, West Bank, 21 June, 1999.

There remain a number of issues awaiting serious measures to be adopted by the PNA. The file of Palestinian prisoners is still open and has not been solved. The Palestinian security forces continue to carry out illegal waves of arrest against the opposition and their supporters for political reasons. Restrictions on the right to freedom of expression and publication continue, and many civilians remain under detention despite a judicial decision having been issued for their release. Moreover, some civilians remain under detention without trial since 1996. In 1999, cases were recorded in which the detainees were subjected to torture and inhumane treatment by Palestinian interrogators. No serious action has been taken against the persons who carried out these violations.

The PNA has not, during 1999, taken any serious or effective measures against the militarization of society and the misuse of weapons by individuals working in the Palestinian security forces. This neglect reflects a lack of concern for the basic security and dignity of Palestinian civilians and a violation of the right to life and personal safety. Twelve civilians were killed, and 20 were injured as a result of this phenomenon in 1999. The individuals in these cases were shot as a result of misuse of weapons both during and outside of working hours.

Despite criticism from human rights organisations, the State Security Court remains in force. The Court lacks the minimum criteria for a fair trial. On 1 November 1999 the Palestinian President appointed an Attorney General for the State Security Courts. The creation of this position is a serious threat to the mandate of the Attorney General.

During 1999 the State Security Court and the Military Court issued death sentences in four separate cases. One of these sentences, which was not subject to appeal, was executed on 25 February 1999 against a Colonel in the Palestinian Security Forces, after he was convicted in a military trial of inciting the people against the Palestinian Authority.⁷

1999 also witnessed an intensive campaign by a number of PNA officials against NGOs, particularly human rights organisations. A new Ministry for Non-Governmental Affairs was created and, despite the request to draft a law to organise the work of NGOs, the year ended without the publication of such a law.

Moreover, 1999 witnessed defects in the Palestinian Legislative Council's practices regarding legislation, monitoring and accountability. A large part of these defects was due to the lack of will by the executive authority to enhance the principle of separation of power, along with the failure of the Legislative Council to take serious and effective measures against executive interference.

Although the basic task of the PLC according to the Palestinian Election Law of 1995 is to issue a Basic Law (a temporary constitution for the interim period), 1999 passed without the issuing of the proposed law by the PNA. This law was approved by the PLC by the third reading in October 1997. Furthermore, despite

⁷ Regarding this issue see page 108 of this report.

the expiry of the legal term of the PLC on 4 May 1999, according to the Interim Agreements, a new election for the council and a complementary election to fill the position of the resigned member Dr Khader Abdul Shafi, who submitted his resignation on 3 March 1999, did not take place. This created a situation of anarchy concerning the legal position of the Palestinian Legislative Council, and weakened the democratic base concerning the regularity of elections. Furthermore, 1999 passed without holding elections for local councils, and there remain appointed committees administering these councils, committees that have been in place since the establishment of the Palestinian Authority in May 1994.

Part 1: Israeli Violation of Human Rights

(1) The Continuation of the Closure Policy and the Violation of the Right to Freedom of Movement

Throughout 1999 Israel continued to implement its policy of closure in the Occupied Palestinian Territories (OPTs), although limited easing measures were implemented concerning the movement of individuals and trade into Israeli territory. The year witnessed a decrease in days of total closure from 21 in 1998, to 13 in 1999. On the remaining days of the year, however, a partial closure was imposed.

On 25 October 1999 a safe passage between Gaza Strip and Tarkumya in Hebron was opened (see below for details).

Under the closure measures, Israel closes all the exits from Gaza Strip into the Israeli territories, and prevents Palestinians from entering into Israel. Usually imports and exports from and to the Gaza Strip are also prevented under these measures. Under a partial closure, a limited number of citizens are allowed to move between West Bank and Gaza Strip, and to work inside Israel.

The right of individuals to freedom of movement is one of the basic human rights, which must be guaranteed and protected. The closure policy is a form of collective punishment, and is banned by international humanitarian law, and international human rights law. Moreover, the closure policy contradicts the interim agreements signed between PLO, and the government of Israel. Those agreements affirmed the territorial integrity between the West Bank and the Gaza Strip, and the right to freedom of movement between them. From 1994 until October 1999, the date of the opening of the 'safe passage', the Israeli authorities have continuously violated this right through their refusal to implement the articles in the interim agreements which asserted this right.

The Disastrous Impacts of the Closure Policy

The closure policy and the restrictions imposed on the individual's rights to freedom of movement lead to disastrous economic and social impacts. The closure policy violates the economic and social rights of Palestinians, particularly the right to work, right to health, and the right to education.

Prevention of Palestinian Laborers from Working in Israel

The Palestinian workers are facing very difficult living and economic conditions as a result of being denied access to their workplaces in Israel. Depression and uncertainty dominate the lives of these workers due to constant uncertainty about their economic futures. From February 15 until March 13, 1999, Israel cancelled

the permits of 1200 labors from the Gaza Strip to exit at Erez crossing for different reasons. These permissions were gradually returned to their owners after 17 March 1999.

On 28 February 1999 the Israeli Authorities imposed a comprehensive closure on the OPTs due to the Jewish holiday. While Palestinian laborers were prevented from entering Israel to work, Palestinians who hold VIP cards, humanitarian cases, travelers through Ben Gurion Airport, and trading activities, were allowed. The closure lasted until 4 March 1999. On 19 April 1999 the Israeli Authorities imposed a closure on the OPTs lasting until 21 April 1999. Only VIP's were allowed to enter Israel, while Palestinian laborers and trading activities were prevented.

Moreover, the Israeli Authorities imposed a comprehensive security closure on 17 May 1999 due to the Israeli Elections. The closure lasted for one day, and only urgent humanitarian cases were allowed to enter Israel. On 9 September 1999, because of the Jewish New Year, the Israeli Authorities imposed a total closure lasting until 13 September 1999. During this closure neither goods nor individuals were allowed to enter Israel. The aim was to prevent any military attacks by Palestinian groups against Israeli targets.

On 18 September 1999 the Israeli occupation forces imposed a comprehensive security closure lasting until 20 September 1999, due to the *El-Ghfraan Feast*. From 12:00am 9 September 1999 until 12:00pm 20 September 1999, flights in and out of Gaza International Airport were prevented, and all entrances, including the Rafah border entrance were closed. During the closure, movement between West Bank and Gaza Strip, and movement into Israel was not allowed, except for the most urgent medical cases.

The year of 1999 did not witness any notable change concerning the number of Gazans who are allowed to work in Israel. Until December 1998, the number was about 25,647. During 1999, the number remained around 25,000. It is worth mentioning that thousands of Palestinians are working inside Israel without legal permission, and without being subjected to Israeli security checks. This by itself refutes the Israeli security claims used to justify the closure on the West Bank and the Gaza Strip.

The Number of Gazan Workers Issued Permits in 1999

Month	Number of Permits Issued
January	25757
February	25699
March	25359
April	24873
May	25494
June	25359

Month	Number of Permits Issued
July	25678
August	25182
September	25086
October	25651
November	26189
December	25735

Closures Imposed on Trading Activities

During 1999 the Israeli occupation forces continued imposing restrictions and obstacles against the trading activities of the Gaza Strip. On many occasions entrances were closed to Gazan import and export. On some occasions the Israeli authorities prevented commercial vehicles from passing through Beit Hanoun (Erez) checkpoint although they met the necessary conditions. Usually these commercial vehicles pass through Erez checkpoint under the *Caravan* system.⁸ On 24 May 1999, the Israeli occupation forces prevented three Palestinian commercial vehicles (carrying 5000 chickens to Hebron in the West Bank) from passing Erez checkpoint. This was despite the fact that the vehicles has been subjected to six hours of security searches, and that they met the necessary conditions to pass through the checkpoint.

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

Due to the fact that the PA inherited a destroyed health infrastructure as a result of Israeli neglect over the last three decades, the Gaza Strip lacks sufficient medical facilities to be self-sufficient. Accordingly, most Gazans, particularly those cases that cannot be treated in the Gaza Strip, 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. Under 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.

Israel does allow 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.

⁸ Under this system, groups of commercial vehicles are allowed to enter Israeli territory in convoy with Israeli Security Forces accompaniment.

Prevention of Gazan Citizens from Travelling Abroad

In March 1999 the Israeli occupation forces prevented 11 Gazan pilgrims from travelling to Saudi Arabia for “security” reasons. On 2 August 1999 a German Institution interested in journalist affairs received a letter from the Israeli Defense Ministry, Office of the Coordinator for the Territories Affairs, stating that Dr. Ghazi Hamad, Director of El Rissallah News Paper, had been prevented from travelling abroad for security reason. It is worth mentioning that Dr. Hamad has been prevented from travelling since 1989.

On 4 November 1999 the Israeli Occupation forces prevented the journalist Mahr Faraj from travelling to Malta to attend a conference on human rights organized by the Mediterranean University for Diplomatic Studies. The journalist El-Faraj was held by the Israeli occupation forces at Rafah entrance border for a couple of hours before being informed of the decision to prevent him from travelling abroad.

The Unsafe Passage: A Special Report on the Safe Passage

On 25 October 1999 a safe passage between Gaza Strip and Tarkumya in Hebron was opened. The opening of the safe passage followed the signing of a Special Protocol on the Safe Passage between the West Bank and the Gaza Strip between the PLO and the government of Israel on 5 October 1999. The protocol set out the detailed practical measures for the usage of the passage, including: the mechanisms for issuing permits, the usage of the safe passage by visitors from abroad, the use of the passage by vehicles, as well as other issues.⁹ The safe passage was opened after a delay of more than four years from when it was agreed upon in the Israeli-Palestinian Interim Agreements on the West Bank and Gaza Strip signed in Washington on 28 September 1995.¹⁰ The issue of the safe passage had gained local attention, formally and informally, and the attention of the international community due to the role that it could play in achieving the goal of territorial integrity between the West Bank and the Gaza Strip as a basic condition for the anticipated Palestinian state in these territories.

The Palestinian Centre for Human Rights is particularly concerned with the right to freedom of movement as it is considered a basic human right. During the last four years the Centre has carefully followed Israeli measures that obstruct the right of Palestinians to move freely. In particular PCHR has been deeply

⁹ See “Protocol Concerning the Safe Passage Between the West Bank and the Gaza Strip”, 5 October 1999.

¹⁰ Article X.1.c from the “Protocol Concerning Redeployment and Security Arrangements” in the above-mentioned Agreement affirms that “Safe passage through Israel between the West Bank and the Gaza Strip will be effected via the following designated crossing points: (1) the Erez crossing point (for persons and vehicles only); (2) the Karni (commercial) crossing point (for goods only); (3) Tarkumya crossing point; (4) an additional crossing point around Mevo Horon.”

concerned at the Israeli closure policy in the West Bank and the Gaza Strip and the disastrous impact of this policy on the Palestinian people. Also, the Centre has followed the Israeli-Palestinian negotiations concerning the safe passage, negotiations which have been stalled in recent years, until the safe passage protocol was signed on 5 October 1999.

PCHR has prepared this report to detail the reality of the safe passage by outlining the practical measures adopted by Israel concerning Palestinian use of the passage. The aim of the report is to determine to what extent such measures secure the right of Palestinians to move freely, and to what extent they are in harmony with the relevant international law and with the terms of the agreements signed between the Israeli and Palestinian sides.

The report attempts to explain in detail the implementation and implications of the safe passage. This is intended to confront the media campaign in which Israel has tried to show the international community that the right of Palestinians for free movement is being guaranteed and that Israel has ended its obstruction of the movement of Palestinians between the West Bank and the Gaza Strip. The aim of the Israeli government in this process has been to mislead the international community, and particularly international human rights organisations, who during recent years have strongly condemned the obstacles imposed by the Israeli government on Palestinians right to freedom of movement. Moreover the report analyzes the provisions of the safe passage protocol, and to what extent these provisions guarantee the right to freedom of movement in light of the concerned international conventions and agreements.

The Safe Passage Protocol

The protocol for the safe passage is made up of 11 articles setting out the detailed measures agreed upon between the two sides concerning the mechanisms for safe passage usage. These include safe passage usage by citizens, visitors from abroad, vehicles, persons prohibited from entering Israel, Palestinian police, safe passage usage for commercial trade, safe passage usage by PNA President Yasser Arafat and arrangements for future meetings between the two sides to improve the operating of the passage.¹¹ The protocol determined four crossing points for the safe passage, the Erez crossing point (for persons and vehicles only); the Karni (commercial) crossing point (for goods only); the Tarkumya crossing point; and an additional crossing point around Mevo Horon.

Given the articles of the protocol, it can be noted that Israel retained the right to determine the time of operating and closing the safe passage. Article 2 provides that “Israel may temporarily close the passage for reasons of safety and security, and may change the arrangements for passage for the same reasons, while keeping one of the crossing points open.” Surprising, in this article, is the absence of the precise definition for “safety or security reasons”. According to the laws of interpretation of such agreements, the definition of such terms should be

¹¹ See “A Protocol Concerning Safe Passage Between West Bank and Gaza Strip” 5 October 1999.

determined between the parties in accordance with the overall intention of the agreement. However, in practice, this lack of precise definition will allow Israel absolute power to determine the essence of these terms in a way that will enable it to have the full authority in deciding which of the safe passage crossing points may be used at any given time.

Israel also has the full authority to determine which people will be allowed to use the passage. The same article (in paragraph d) provides that “Israel may prevent individuals who have violated in a grave and repeated way the provisions of this protocol, from entering Israeli territory in order to use the safe passage.” The question now is what is the exact meaning of “grave and repeated violations of the provisions of the protocol”. For example, does Israel consider the adoption of a stance opposing this protocol and the whole peace process in general a grave or simple violation of the protocol? Assuming that the adoption of such a stance, whatever its form, is considered a violation at all, which we refute in principle. Accordingly, the absence of the precise meaning of the terms will give a chance for Israel to provide its own meaning to these terms, thereby having the full authority to decide which individuals may use the safe passage.

Article 3(e)(1) reaffirms the above mentioned fact, when it states that “the Palestinian side will transfer all applications concerning usage of the safe passage after its primary security approval to the Israeli side.” The Israeli side will decide which of these applications will be approved according to its own criteria, without any intervention from the Palestinian side. Article 3(e)(2) provides that “the Israeli side will answer all the applications during two working days. It is understood that in the case of all applications containing information which conflicts with the Israeli database, and all those in which the photo of the individual does not appear in the Israeli database, the application will be rejected and sent back to the Palestinian side.” This means simply, once again, that Israel has the full authority to determine which individuals will be allowed to use the safe passage.

Most importantly, Israel will have the full power, without any participation from the Palestinian side, to carry out searches at the entrance crossing point of the safe passage. Article 2(p) provides that “nothing in this agreement denies the right of Israel to carry out the necessary searches at the safe passage entrance crossing points in order to protect safety and security.” In fact this raises some uncertainty and concern regarding the possibility that Israel might use the opportunity provided by the usage of the safe passage to arrest some individuals. Given that there is nothing in the protocol preventing Israel from doing so. The fact that the Palestinian side agreed not to participate in the searches implies approval and acceptance of Israel being given an opportunity to achieve its security goals at the expense of the right of Palestinians for free movement between the West Bank and the Gaza Strip.

On this basis, the report explains that the measures agreed upon in this protocol do not secure and guarantee the necessary conditions to make this a “safe” passage. Security, in its simple meaning requires that the individual feels safe, and feels no

threat to his freedom. However, through analysis of some of the provisions of the protocol, it can be seen that these provisions do not work to secure the necessary practical and psychological conditions for a situation which can be described as “safe” for individuals during their use of the passage. On the contrary, these provisions create uncertainty for individuals regarding the possibility of arrest by the Israeli forces during their use of the passage. To elaborate this further, the next part of the report considers the steps which must be followed to gain the safe passage card, and the practical measures adopted by Israel against Palestinians during their use of the passage in order to determine to what extent such measures comply with the provisions of the protocol.

The Procedure for Obtaining a Safe Passage Card

The procedure to obtain a safe passage cards begins by the applicant filling out a special form including personal data. The form must be completed in Arabic and Hebrew. The applicant then forwards the form to the Palestinian Civil Liaison Office, in the area in which he resides. The form must be accompanied by two photographs of the applicant.¹² The Civil Liaison Office sends the application to the Civil Affairs Ministry which, through its Safe Passage Department, sends the application to the Israeli side in order for a safe passage card to be issued.

In this regard, it must be mentioned that the protocol distinguishes between the use of the safe passage by individuals who are allowed to enter Israel and those who are not permitted to enter Israel. The first group can use the safe passage during all weekdays, and may use public and private transport. These people are granted yellow safe passage cards and 90 minutes to pass the passage.

The second group are allowed to use the safe passage, but only on buses driven by Palestinians and accompanied both ways by Israeli security force vehicles. This group can only use the safe passage on Monday and Wednesday each week, from 7am until sunset. The buses that carry this group are granted two hours to cross the passage. Usually the approval of the Israeli side of applications from this group is called “approval with accompaniment”. Successful applicants from this group are granted pink cards. In order to get the card, individuals from this group must coordinate with the Civil Liaison Office in his area five days before the date of their trip.¹³ The Israeli side checks every application separately and decides which of those applications will be approved, approved with accompaniment, or rejected. The decision is based on Israeli security criteria, without any intervention from the Palestinian side. After that, the Israeli side submits a list to the Palestinian side of applicants and the outcomes of the applications.

¹² The applicant must also pay 30 NIS in application fees. This sum of money is equally divided between the Palestinian and Israeli sides.

¹³ See Article 6 (a) from “Protocol Concerning the Safe Passage between the West Bank and the Gaza Strip” 5 October 1999, see also the Fieldwork Unit in the Palestinian Centre for Human Rights.

In its turn, the Palestinian side announces in the Civil Liaison Offices the outcomes of the applications. The individuals whose applications are approved (or approved with accompaniment) receive the cards from the Israeli side in the Israeli Area District Coordination Offices, attended by an unarmed Palestinian Civil Liaison Force Officer.¹⁴ Usually the safe passage card is valid for one year of return travel. The total number of applications submitted since the date of the passage's opening on 25 October 1999, until the end of November 1999 was about 18 000. Israel approved 15 000 of these applications (about 83%), including 1300 which were approved with accompaniment (7%), and rejected 2900 (16%), 300 applications have not been answered (1.6 %).¹⁵ It is worth mentioning that the people whose applications were rejected were people who are absolutely forbidden to enter Israel.¹⁶

Safe Passage Usage

After obtaining the safe passage card the individual goes to the entrance crossing point for individuals (Erez Checkpoint). At Erez Checkpoint there are three routes for individuals. At the end of each road there is a room for checking the safe passage card. The individual passes their card to an Israeli soldier, these soldiers check the card's validity and then checks the data on the card against the data held in the Israeli database about the cardholder. Two copies of a slip or safe passage ticket are issued to the cardholder. These tickets include the following, the name of the person, his identity card number and a stamp determining the date of issuing the ticket and the expected time for the trips departure. The following instructions are also written on the back of the ticket:

- (1) This ticket is personal and nontransferable.
- (2) This ticket is valid for movement along the safe passage designated.
- (3) This ticket is valid only with the following documents.
 - a. Personal Identity card and safe passage card,
 - b. Passport, or any other travel documents.
- (4) This ticket must be kept with you for inspection until you arrive to your destination,
- (5) No deviations are allowed from the route designated on the ticket.

¹⁴ It is worth mentioning that according to Article 3 (5) of the Protocol, women and men who are older than 50 years can get the safe passage card from the Palestinian side and not the Israeli side as for other age groups. Moreover, Palestinian policemen who are transferred by buses and children under the age of 14 years are not required to have the safe passage card in order to use the passage.

¹⁵ According to the Civil Affairs Ministry

¹⁶ The number of applications submitted to the Israeli authorities for a safe passage card, by the end of 1999, was 22,853. About 17,698 were approved, and 5,155 were rejected.

After receiving the ticket the cardholder goes through a gate designated at the end of each row for security checks. After the security check, if the passage card designates approval with accompaniment, he goes to the designated buses. If the card is a normal passage he can go to a private or public vehicle.¹⁷ The buses carry the travelers from Erez Checkpoint to Ashkelon Junction, and then to Tarkumya in Hebron, via the Kiryat Gat “Al Faluja – Beit Jibreel” road. The trip from Erez to Tarkumya usually takes about 45 minutes.

At the Tarkumya crossing point, the Israeli soldiers receive the passage tickets from the individual, along with the safe passage card and identity card for checking. People wishing to return to Gaza on the same day can do so under the condition that they must return no later than 3.00 pm.

The total number of people who have used the safe passage from the date of its opening on 25 October 1999 until the end of November 1999 has reached about 16 000. The number of taxis that use the safe passage is about 20 per day.¹⁸

One of PCHR’s fieldworkers used the safe passage in order to investigate the most important difficulties and problems encountered by Palestinians in their use of the passage. He reported that the security searches at Erez Checkpoint take between two to three hours, and the time of the trip from Erez Checkpoint to Tarkumya takes about 45 minutes. Someone wishing to travel, for example to Ramallah, must continue from Hebron through what is called the *Wadi El Nar*. This route is a very long and dangerous route used by Palestinians due to the Israeli refusal to allow passage through Jerusalem. Usually it takes about one and half-hours to pass this road. The time of the trip between Gaza and Ramallah therefore takes about 5 hours, while in normal conditions (before the closure policy) it took only between 75 to 90 minutes. Accordingly, the average time for a return trip from Gaza to Ramallah takes about 10 hours. Considering that the safe passage is open only 10 hours each day, and people wanting to return to Gaza in the same day must do so before 3pm, it is difficult, if not impossible, to travel to and from the West Bank in one day. This means that people are forced to spend the night in the West Bank, with obvious financial implications.

Based on this, the report notes that despite the affirmation of the relevant international law of the right to freedom of movement as a basic human right, and the affirmation of the Israeli-Palestinian Interim Agreements of the territorial unity of the West Bank and the Gaza Strip and of the right of Palestinians to move freely between them, the protocol concerning the safe passage and the measures adopted in the implementation of the protocol have limited the ability of Palestinians to enjoy this right, and made it difficult to have territorial unity

¹⁷ According to the data of the Fieldwork Units in the Centre it is rare that private vehicles are used to transfer people through the safe passage. Usually buses are used, both for those approved with and without accompaniment.

¹⁸ Note that the number of people using the safe passage may include people who do not have a safe passage card but who are travelling with their magnetic card (issued for crossing Erez Checkpoint into Israel) which is allowed under the provisions of the protocol.

between the West Bank and Gaza Strip. Accordingly the question of the right of Palestinians to freedom of movement between the West Bank and the Gaza Strip remains under the control of Israel, decided on the basis of Israeli security interests without any other considerations.

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. The land controlled by Israel includes settlements, military installations, and the so-called yellow areas which are under Israeli security control. Furthermore Israeli soldiers are found on the main roads in the Gaza Strip where they control the movement of citizens, and subject them to searches. The data of the Fieldwork Unit in the Center reports that there are 53 Israeli searching checkpoints and installations inside Gaza Strip.¹⁹ From time to time Israeli Occupation forces and Israeli settlers close roads and junctions, particularly in the areas under Israeli control. Closures are thereby imposed on citizen's movement inside the Gaza Strip, in grave violation of the right to freedom of movement.

Most of the provocation activities carried out by Israeli occupation forces and Israeli settlers take place in the areas of *El-Mawasi* in Rafah and Khan Younis. The areas of *El -Mawasi* in Rafah and Khan Younis are considered of strategic importance for Israel. That is why Israel concentrates most of its settlement activities in the Gaza Strip in these areas.²⁰ The Israeli soldiers at *El Tuff* and *El Sultan* checkpoints located at the entrance of *El-Mawasi* are engaged in systematic provocation of citizens. Citizens are held by the Israeli soldiers and subjected to searches which often last for many hours. At other times the two checkpoints are simply closed by the Israeli soldiers, and citizens' movement is prevented outright. This includes 3,000 school students, who are prevented from travelling to their schools outside El-Mawasi area, or from returning back to their homes inside the area.²¹

Moreover, and in grave violation for the interim agreements, which affirms the right of Palestinians to use the roads located alongside the settlements, the Israeli occupation forces, from time to time, close the two main roads that connect the south of the Gaza Strip to its north (*Salah El Dien street, and the Coastal Road*).²²

¹⁹ This number includes two installations for the Israeli-Palestinian Military Liaison (DCO), one of them located to the north of Gaza Strip, and the other located to the south.

²⁰ Most of the settlement activities inside Gaza Strip are concentrated in these two areas. These activities will be mentioned later on in another part from this report.

²¹ For example, on 21 November 1999, settlers, with the support of Israeli soldiers, closed El Tufah and El Sultan checkpoints, and prevented the fishermen, students and farmers from going to their places of work or study. This followed the Palestinian workers decision to no longer work in the Israeli settlements. The number of Palestinians who had previously been working in the settlements was 3000, they decided to stop this work after a decision by the High Security Committee to Confront Settlements.

²² On 4 and 5 January 1999, the Israeli occupation forces closed the main road-Salah El Dien street-between Kufar Drum settlement in the north to Abu Holi street in the south of Dier El

On more than one occasion the closure of these roads has led to conflict and subsequent negotiations between the two sides (Israeli and Palestinian), until a deal is reached concerning the reopening of the road in question, which in most cases is closed by the settlers. On 8 January 1999, for the example, settlers closed the coastal road located in front of the Gush Qatif settlements. They prevented the movement of Palestinian commercial vehicles, and attacked the car of Khalid Abu El Alaa, Head of the Palestinian DCO, with stones, when he came to settle the conflict caused by the closure of the road. The Israeli soldiers did not fulfil their responsibility to disperse the settlers, and to reopen the road for Palestinian commercial vehicles.²³

Press Releases on the Closure and Restrictions on the Freedom of Movement

28 February 1999

The Centre issued a press release on the Israeli total closure on the Occupied Palestinian Territories. The press release stated that on 27 February 1999, Israeli authorities imposed a total closure on the Occupied Palestinian Territories. Israeli sources claim that this step has been taken as a preventative measure against attempted suicide bombs in Israel during the feast of Purim. All easing measures that have been announced on the state of closure throughout the last few months have been cancelled and it is expected that the new measures will be maintained until 3 March 1999.

Fieldworkers from the Palestinian Centre for Human Rights (PCHR) reported this morning that all Gaza Strip border crossings with Israel have been closed. Furthermore, the limited number of Palestinians who had been granted permits to travel into or through Israel were all denied access and all economic transactions between the Gaza Strip and the rest of the world through Israel have also been stopped.

In the press release, PCHR reiterates its condemnation of the policy of closure and it rejects Israeli security claims behind such a policy. The press release added that it has been evident throughout the last three years that the security of Israel has seen no improvements resulting from the imposition of this policy. On the

Ballah. The road was closed by six Israeli military vehicles in a way that restricted the citizen's ability to use the road, and prevented the students of Elementary school (El Zarah school) near the Kuffar Drum settlement from returning back to their homes. The road was reopened a couple of hours after its closure.

²³ It is worth mentioning that the coastal road which is located near the Israeli Hotels area, and which connects the south of Gaza Strip to its north, is the second most important access road in the Gaza Strip. In 1991, The Israeli occupation forces closed this road for the movement of Palestinian commercial vehicles in order to abolish the development and the growth in the El Mawasi area. Such closures force the citizens to follow another road, about 4 kms long, instead of the main road, which is only 700 metres long. On 6 January 1999, after long negotiations during the last years, the two sides reached a deal through which Palestinian commercial vehicles can use the coastal road in safety.

contrary, the most serious suicide bombings were carried out during the strictest closure measures. In addition, the press release expressed PCHR's beliefs that the policy of closure is a collective punishment against the Palestinian people, which is prohibited by international law, especially the IVth Geneva Convention of 1949, related to the protection of civilians in times of war, to which Israel is a High Contracting Party.

Finally, PCHR appeals in its press release to the international community and to the High Contracting Parties to the IVth Geneva Conventions in particular, to intervene in order to stop Israel's violations of Palestinian human rights. In addition, PCHR urges them to carry out their duties in accordance with the Convention, in order to provide protection for the Palestinian civilians in the Occupied Territories.

30 May 1999

The Centre issued a press release on the Israeli occupation forces' prevention of a number of Gazans journalists from travelling to the West Bank to cover a national conference against settlements being held in the Casablanca Hotel.

The press release mentioned that on 26 May 1999, the Palestinian Minister of Information supplied a list of journalists to the Civil Joint Committee in order to secure the necessary permits. As usual, the Israeli authority at Erez cited security concerns in preventing some of the journalists from receiving permits.

Those prevented from traveling were:

- | | |
|-----------------------------|--------------------------------------|
| 1. Hassan Jabber | Al-Ayyam Newspaper, Gaza |
| 2. Muhammad Taher El-Nounou | Sharuq Magazine, Gulf Newspaper, UAE |
| 3. Fathi Sabah | Al-Haya, London |
| 4. Abdel Gani Al-Shami | Al-Quds Press, Gaza |
| 5. Fayed Abu Shamala | BBC, Gaza |
| 6. Khalid Abu Zaher | Al-Ayyam Newspaper, Gaza |
| 7. Azmi Al-Kishawi | French Television, Channel One |

The Israeli occupation forces' violations of the right to free movement for Palestinians for purposes of work, religious visits, or family visits is a basic human rights violation and represents a complete rupture of the regional unity between the West Bank and Gaza Strip. It is an organized policy to split the Palestinian homeland and stands in direct violation of the Oslo Accords which state that the West Bank and Gaza Strip are to be viewed as "a single territorial unit, the integrity and status of which will be preserved during the interim period."

The press release added that these actions are a significant violation of the rights of the press. In addition, the press release expressed PCHR's condemnation of this policy regarding Palestinian journalists and asked the international community to oblige the Israeli government to respect human rights standards, uphold the rule of international law, and protect civilians in the Occupied

Territories. At the same time, PCHR asked international organizations to support Palestinian journalists to ensure that they can do their work freely.

30 June 1999

The Centre issued a press release on the Israeli Authorities continued prevention of Gazans from travelling abroad. The press release highlighted the case of the citizen Aziza Ayub Abu Ali, 50 years old, from Jabaliya, who has been prevented from leaving the Gaza Strip to Egypt through Rafah border. The press release mentioned that since 24 March 1999 she has been forced to return to the Gaza Strip from the border in three separate attempts to cross into Egypt. The border is still under the control of the Israeli Occupation forces, and they control the movement of Palestinians through the border.

The press release added that PCHR, which has been following up Abu Ali's complaint, was informed that the Israeli legal advisor had explained that the decision to prevent her from travelling was for security reasons, due to the relation of her son with the Hamas movement, and his alleged participation in planning for activities in the movement. Her son, Hatem Ayub Abu Ali, 26 years old, is detained in Attara Farm Prison in Egypt. He is accused by the Israeli authority of belonging to Azediin El-Qassam groups, the military wing of Hamas movement. Aziza Abu Ali is working to secure her legal right to visit her son in prison.

In addition the press release added that Israel continues to restrict the right of Palestinian detainees to receive regular family visits. In many cases the families of the detainees are not permitted to pass through the Israeli Authority controlled areas to make these visits. This case is considered unique since the Israeli Authorities are preventing a visit to a detainee in an area that is not under Israeli control or jurisdiction. They are also denying Aziza Abu Ali her right to freedom of movement.

Moreover, the press release highlighted another case in which the Israeli Occupation Forces prevented the student Mahmoud Mohamed Abu Nadir, 24 years old from Gaza City, from leaving the Gaza Strip to Egypt to continue his graduate studies in the Arab Research and Study Institute in Egypt. The Israeli legal advisor claimed that the decision to prevent Abu Nadir from leaving was based on security reasons, without giving any details.

The press release added that the severe measures adopted by the Occupation Forces at the borders and passages lead to thousands of Gaza Strip citizens being denied freedom of movement. The press release expressed PCHR's believe that these measures are an integral part of the closure policy imposed by Israeli government against the West Bank and the Gaza Strip. This is considered a collective punishment against the Palestinian people and as such it contradicts international law and human rights standards.

Finally, PCHR repeated in its press release its call on the international community, particularly the High Contracting Parties to the Fourth Geneva Convention of 1949 to take steps to end the ongoing Israeli violation of Palestinian human rights, and to force Israel to fulfil its commitments under the Convention.

(2) The Torture and Continuous suffering of Palestinian Detainees inside Israeli Jails and the Deterioration in their Living Conditions

The Palestinian Centre for Human Rights pays particular concern to the file of the Palestinian detainees inside Israeli jails. PCHR believes that this file is exceptionally important, since it concerns thousands of Arab and Palestinians who were involved in legitimate fighting against the Israeli occupation aimed at eliminating the Israeli occupation from the occupied Palestinian territories, and achieving the legitimate rights of Palestinians in self determination and building their state. 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 more than 1,600 Arab and Palestinian detainees in Israeli Jails and detention centers.

Moreover the Israeli security forces are still carrying out waves of arrest in areas under Israeli jurisdiction, at the border entrances with Egypt and Jordan, and inside Israeli territories.

The Palestinian citizens living in PA-controlled areas are not exempt from arrest by the Israeli Authorities. On September 1997 the Israeli Defense Force issued two military orders, which are still being enforced. According to these two military orders the military court would be granted the mandate to decide on cases concerning the breach of Israeli military orders in areas under PA-controlled areas. Moreover, under the new Labor government, the Israeli Defense Force decided to expand penalties against children. According to this decision, Israeli is able to detain 12 year old children or to bring them before a military court, a court that lacks the minimum requirements for a fair and just trial.²⁴ According to the Universal Labor Movement to Defend Children, Israel is currently detaining more than 80 Palestinian children.

According to the data gathered by PCHR, the Israeli security forces arrested about 500 Gazans during 1999, compared to 500 citizens in 1998, and 400 citizens in 1997.²⁵ PCHR documented the cases of 83 of these detainees. These detainees

²⁴ In his comment on the decision, Jadown Levy, the Israeli writer, told *Haaretz* newspaper published on 22/8/1999, that an enlightened society treats children in different ways to adults. He pointed out that Israeli children who carried out any crime are interrogated by specialist officers, and brought before a special court. Moreover, a child convicted of a crime will be sent for behavioral treatment. At worst, a child would be held in a specialist institution.

²⁵ Israel does not announce the number of arrests it makes. Although this number can be determined from the documentation of Israeli Military Court in Gaza Strip. Up until 29/12/1999, there were 446 trials in the files from the start of the year. In many cases the same file includes

The first is the Israeli High Court of Justice's decision to ban torture, and the second is the release of 383 Palestinian and Arab detainees in September and October 1999 under the Sharm El Shiekh Memorandum signed between the Palestinian and Israeli sides on 4 September 1999.

Israeli High Court's Decision to Ban Torture

While expressing its satisfaction at the ruling of the Israeli Supreme Court sitting as the High Court of Justice, on 6 September 1999, to ban torture methods used by interrogators of the General Security Service (GSS), PCHR expresses its deep concern over the encouragement implied in the ruling to the Israeli legislature (Knesset) to enact a law which may empower the GSS to employ physical means against Palestinian prisoners.

Such methods contradict international laws, which prohibit torture and contradict Israel's obligations as a state party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of 1984. In 1987, the very same year that the Convention came into force, a special Commission of Inquiry, headed by former president of the Israeli Supreme Court, Justice Moshe Landau, concluded that GSS interrogators were entitled to use moderate physical pressure against Palestinian detainees. This was considered to be, in practice, a legal cover for the use of torture methods. The UN Committee against Torture concluded in 1998 that moderate physical pressure was tantamount to torture. The torture methods allowed by the Landau Commission Report included *inter alia*, the method of shaking, a method that has led to the death of a number of Palestinian prisoners. One of those prisoners was Abdel Samad Hraizat, who was transferred to hospital unconscious less than 24 hours after his arrest on 22 April 1996, and was pronounced dead on 25 April 1996.

For many years Palestinian, Israeli and international human rights organisations have criticised Israel for the use of torture methods by GSS interrogators. The struggle of these organisations against torture, by many different means and on different levels, led to a situation in which the issue of torture as practiced in Israel became so scandalous in the international arena that the Israeli High Court of Justice could no longer avoid it. The contribution of the human rights community to this landmark ruling should not be underestimated. In particular, PCHR wants to express its appreciation to Israeli human rights organisations that were committed to human rights standards and acted effectively in this issue. This has been a process in which cooperation between Palestinian and Israeli human rights organisations played an important role.

On Monday, 6 September 1999, the High Court of Justice convened and issued its ruling on a number of applications submitted to the Court by human rights groups against the use of torture methods by GSS. The Court's ruling prohibited the employment of physical force by the GSS. Specific methods prohibited included shaking, *shabeh*, sleep deprivation, loud music and frog crouching.

“First, a reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment of the subject and free of any degrading handling whatsoever. ... This conclusion is in perfect accords with (various) International Law treaties – to which Israel is a signatory – which prohibit the use of torture, ‘cruel, inhuman treatment’ and ‘degrading treatment’. ... These provisions are ‘absolute’. There are no exceptions to them and there is no room for balancing.” (para 23)

It has been a long wait, and it is of course satisfying to PCHR and all human rights organizations, that finally the Israeli High Court of Justice has ruled that the GSS is not authorised to employ torture methods in the course of interrogations. However, PCHR is deeply concerned about other aspects of the judgement, aspects that appear to contradict the findings of the Court in para 23 (above).

Despite finding, in the early part of the judgement, that the methods employed in the past by the GSS were illegal and contrary to both Israeli Basic Law and to the standards of international law (including the Convention Against Torture) the Court, later in its judgment, declined to take a stand on the legality of the use of physical force in “special circumstances” (such as the so-called ‘ticking bomb’). Rather, the Court decided that the GSS is not authorised according to Israeli law to use such methods. The focus of the judgment was on the question of whether or not GSS interrogators were authorised under law to employ these methods, rather than on the legality of the methods themselves.

“If the State wishes to enable GSS investigators to utilise physical means in interrogations, it must seek the enactment of legislation for this purpose.” (para 37)

Furthermore, in the conclusions of the ruling the Court said,

“If it will nonetheless be decided that it is appropriate for Israel, in light of its security difficulties to sanction physical means in interrogations this is an issue that must be decided by the legislative branch ... we don’t take any stand on this matter at this time”. (para 39)

Accordingly the door was opened by the Court for the Legislature to enact a law that authorises the use of physical methods against Palestinian detainees. A possibility which the Court declined to take a position on, despite its own finding that such methods were contrary to both international law and Israeli Basic laws, without exception.

In light of the Court’s ruling PCHR emphasizes the following:

1. While the Court’s decision represents a milestone in the battle against torture, the battle is not over. A lot of work is demanded from Palestinian,

Israeli and international human rights organizations as well as the international community at large, to ensure that the Israeli Knesset does not enact a law that empowers the GSS to employ physical force against Palestinian prisoners, even in exceptional circumstances. According to international law, torture is prohibited in all circumstances, without exceptions.

2. The judgement of the Court rules illegal interrogation methods that have been systematically used by the GSS against thousands of Palestinian prisoners throughout more than three decades. Thus confessions of Palestinian prisoners which resulted from the use of such methods are also invalid. Accordingly the State of Israel is required to review the files of thousands of Palestinian prisoners and retry them.
3. The State of Israel is required to redress and compensate thousands of Palestinian prisoners who were subjected to torture methods in the past. Palestinian, Israeli and international human rights organisation need to make concerted efforts to see that this occurs.
4. The Government of Israel should commit itself immediately to the ruling of the Court and ban all directives that admit the use of torture against Palestinian prisoners. The recommendations of the Landau Commission of 1987 should also be abandoned
5. All those who were involved in the practice of torture methods, whether as the direct perpetrators, those who gave directives or those who sanctioned the practice at the executive level, must be held accountable for their involvement in these illegal acts.
6. Finally, PCHR reiterates its appreciation of the work of Israeli human rights organizations on this issue. The commitment and effective work of those organizations, as well as the constructive cooperation between Palestinian and Israeli human rights organisations played an important role in bringing about this ruling.

Since the Court's decision newspaper reports have highlighted disturbing developments in this area. The Israeli Prime Minister, Ehud Barak, has established a Committee to look into solutions, which will mediate between the Court's decision and the needs of *El Shabak* (GSS).²⁸ In his comments on the court's decision, Ilyakiem Rubinstein, the legal advisor of the Israeli government, concluded that the decision had put the GSS interrogators into "a difficult position", and that, therefore, he will support the passing of new legislation concerning the interrogation process. Rubinstein added that he intended to issue new internal instructions within the coming days, which would determine norms for GSS interrogators working in exceptional cases.²⁹ According to the Jerusalem

²⁸ *Al Quds* newspaper on 10 September 1999.

²⁹ *Al Quds* newspaper on 9 September 1999, transferred from Israeli Mariev newspaper the day before (8/9/1999).

Post newspaper on 13 December 1999, Rubinstein postponed a meeting scheduled for the previous day in order to finalize a draft report (of 75 pages) regarding what could be done in light of the court's decision.

In July 1999, the special ministerial committee headed by the Israeli Prime Minister extended for a period of three months permission for the GSS to use torture measures. Although the Court's decision overrules the mandate of the ministerial committee, it is not clear for the time being how this conflict is being resolved.

It is also worth mentioning that the opposition Likud alliance submitted to the Knesset, in its exceptional session held on 14 September 1999, eight days after the court's decision, a proposed law which would allow the GSS to use torture.³⁰ Should this proposed law be passed, the torture practiced by the GSS interrogators against Palestinian detainees would once again be granted legitimacy within Israel.

Since the Court's decision, several new developments took place regarding the conditions of Palestinian detainees, amongst which are:

1. The increase in the number of cases in which lawyers are prevented from visiting their clients (detainees) for long periods.³¹
2. The extensive use of collaborators in the process of interrogating the detainees (interrogating the detainees through the use of the people collaborating with the prison authority).
3. Escalation in the use of beatings, isolation, searching, and sudden attacks by the prison authorities against the detainees.³²

In a step which could lead to an explosion in the conditions of the prisons, the Israeli prisons authority have carried out, during the past three months wide moves among the detainees, redistributing them in the prisons according to their party affiliations. Accordingly, Ashkelon prison has been assigned for the detainees from the Gaza Strip who belong to PLO parties, whilst Nafah prison has been assigned for the detainees who belong to the Islamic Jihad and Hamas movements. The Palestinian detainees from Jerusalem and inside the Green line areas have been isolated in Shuta prison. At the beginning of October, about 80

³⁰ Al Quds newspaper on 15 September 1999.

³¹ In press release issued on 27 December 1999, for example, the Popular Committee against Torture in Israel (PACTI) mentioned that Usama Shaker El Natshah, 31 years old from Hebron, was arrested on 18 November 1999, and subjected to interrogation by a special unit in the general security force in the detention centre of Shakmah. Up to the date of issuing the press release the lawyers of the committee could not visit El Natshah, and the Israeli high court rejected two appeals submitted by the committee's lawyers to remove the prohibition visits to El Natshah. Moreover, the military appeal court had rejected also a similar appeal. El Natshah is still under detention, and he is being denied his right to an adequate defense.

³² On 11 November 1999, El Rasalah newspaper reported that the detainee Hassan Salameh was severely beaten at the beginning of November by Israeli soldiers. Salameh was arrested in 1996, and sentenced to life imprisonment. The beating took place on his way back to prison after he had delivered his testimony before the Israeli Military Court at Erez.

detainees, the majority of whom belong to Islamic Jihad and Hamas movement, had been transferred to Hdariem prison, which is part of Hasharout prison that was rebuilt in order to receive 120 new detainees.³³

The Release of Palestinian and Arab Detainees under the Sharm El Shiekh Memorandum

Amongst other things, Article 3 of the Sharm El Sheikh Memorandum signed by the Palestinian President Yasser Arafat and the Israeli Prime Minister Ehud Barak on 4 September 1999 provides that:

1. Israel will release Palestinian and other prisoners who committed their offences before 13 September 1993, and those arrested before 4 May 1994.
2. The first stage of the releases will be implemented on 5 September 1999, and will include 200 detainees, and the second stage will be implemented on 8 October 1999, and will include 150 detainees.
3. The Israeli side will work at releasing other Palestinian detainees before *Eid El Fatir*

On 9 September 1999 Israel released 199 Palestinian prisoners. Amongst them were 98 prisoners from Gaza Strip, and 101 prisoners from West Bank. This was the first stage of the releases agreed upon in the memorandum to be implemented within one week of signing, and was to include 200 prisoners. One of the prisoners listed for release, refused to be released, due to the fact that he has only one week of his sentence left to serve, and he asked that priority for release under the Memorandum be given to someone else.

On 15 October Israel released 151 Palestinian and Arab prisoners within the context of the second stage of the releases. 83 prisoners, including 37 prisoners from other Arab countries, went to the Gaza Strip, and 68 prisoners went to the West Bank. By the implementation of this stage, the total number of the released prisoners reached 350 as was agreed upon in the Sharm El Shiekh Memorandum.

On 29 December 1999, and within the context of the third stage of the releases under the Sharm El Shiekh Memorandum, Israeli authorities released 26 Palestinian prisoners, including 8 prisoners from the Gaza Strip, and 18 from the West Bank. The next day, on 30 December 1999, Israeli authorities released 7 prisoners from Jerusalem.

Accordingly, by the end of the third stage of the releases under the Sharm El Shiekh Memorandum, the total number of prisoners released was 383. All prisoners released were required to sign a commitment stating that they will not practice violence or acts of terrorism, that they will not enter Israel without permission, and that the period remaining on their sentence will be considered to be suspended for three years.

³³ Two detainees are isolated in one room in Hdariem prison. The families of the detainees visit their sons from behind a glass barrier, and talk with them through telephones.

Table illustrating the number of the prisoners and their detention places according to the latest data

The prison	Number of prisoners	Notes
Askelon	410	PLO's parties from Gaza Strip
Nafha	360	The majority is from Islamic Jihad and Hamas
Shata	140	Jerusalem and the Green line
Beer Sheva	102	All parties and areas
El Ramlah	2	-----
El Ramlah Hospital's prison	12	Patients from all parties
Hudariem	80	The majority is from Islamic Jihad and Hamas
Hasharoon	60	Infants and the administrative prisoners
Nafi Tirtsa'	5	Women from West Bank
Majdoo	500	From West Bank
Total	1671	

Deaths of Detainees in Israeli Prisons

During 1999 two Palestinian detainees died in Israeli Jails. One of these two detainees was from the Gaza Strip, while the other was from Tulkarm in the West Bank. There are indications that the first death case resulted from medical negligence, while the other detainee was killed by unknown persons. In the two cases the Israeli prison authorities are ultimately responsible for the death of the detainees.

1. **Shadi Saqer Abu Dhrooj (21 years old from Jabalia):** Died on 17 May 1999 in his cell in Beer Sheva prison. He was arrested 3 months before his death in the Tulkarm area, and he was held in Araril prison, and then transferred to the police centre in Beit Liad. From there he was transferred to Beer Sheva prison. According to information derived from Abu Dhrooj's family, it was expected that he would be brought before the court on 18 May 1999, but his health had deteriorated before his arrest, as he was suffering from a heart disease. One of the other inmates in the cell asked for the intervention of the prison's guards to move him to hospital. But Abu Dahrooj died in his cell, after he did not receive the necessary medical treatment.
2. **Nasha'et Saleh Shriem (24 years old from El Jarad farm in Tulkarm area):** He was killed on 21 May 1999 in Aloon in El Ramlah area after unknown persons attacked him, stabbing him under his right

shoulder. Shriem was sentenced to 8 years imprisonment in 1997, after he was convicted of the intention to kill his Israeli work colleague as a result of a dispute. He is considered an activist in the Fatah movement, and was arrested for the first time by the Israeli authorities when he was 13 years old, and served a sentence of three months imprisonment in Majdoo's prison.

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. In many cases administrative detention orders are issued against Palestinian detainees after the end of their sentence period.

On 7 July 1999 the French News Agency reported that the new Israeli Minister of Justice, Yossi Bellin, intended to cancel the use of administrative detention. By the end of July the Israeli Knesset, had decided to continue operating under the British emergency regulations for the year of 1945, which allowed administrative detention. According to data collected by various human rights organizations, the current number of Palestinian administrative detainees is 15. Furthermore, according to the data of Al Damier Institution in Jerusalem, at least five administrative detention orders have been issued under the new Barak government.

Like other detainees, administrative detainees are held 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 OPTs.

Legal Aid Provided for the Detainees in Israeli Jails

The Legal Aid Unit has continued its work of providing legal services for detainees. Four lawyers work in this unit and daily handle complaints from the families of the detainees. The services provided include the following:³⁴

1. Intervention before Israeli courts on behalf of detainees.
2. Intervention, through Israeli lawyers and Israeli human rights organizations, to contact the detainees and monitor their detention conditions and treatment.
3. Representation of the detainees, through Israeli lawyers, before the Israeli court.

During 1999 the number of detainees in Israeli prisons that were followed up by the Unit was 87, compared with 62 detainees in 1998. Among the 87 detainees, the cases of 11 detainees were carried on from the previous year. These detainees are distributed as follows:

Detention place	Number of Detainees
Askelon prison	64
Nafhaa prison	11
Beer Shiva prison	6
El Ramlah prison	6
Total	87

The total services of the unit in 1999, in relation to detainees in Israeli prisons, can be summarized as follows:

- The place of detention of 56 detainees was determined and their families were informed.
- Israeli lawyers, at the request of PCHR, visited 40 detainees
- In 40 cases, lawyers appeared before the Israeli Military court to defend the detainees
- 20 detainees whose cases were followed up by the Centre were released.
- Seven detainees whose cases were followed up by the Centre have been brought to trial

³⁴ As a result of the Israeli Occupation Authorities prevention of Palestinian lawyers from Gaza Strip from visiting prisons and detention centres in Israel, as well as their being prevented from representing their clients before the Israeli courts, the Unit depends on a number of Israeli lawyers to work on tens of files. Also the Unit has coordination and cooperation with some human rights centres and insitutions in Israel.

- Objections were raised regarding preventing lawyers from visiting clients in four cases.
- In 4 cases, lawyers objected to the Court regarding excessively harsh sentences against detainees.
- Three cases were followed up for detainees placed in isolation. One of them was later released, and another was returned to general cells, the third remains in isolation.
- Six cases were followed up by the Centre concerning detainees with bad health. Three of them were released in the Sharm El Sheikh Memorandum releases.
- One case was followed up by the Centre to investigate the causes of the death of one detainee in the prison (Shadi Abu Dahrooj)
- Seven cases were followed up regarding preventing detainees' families from visiting their sons. Four families were allowed to visit their sons.
- Two cases in which detainees had completed their sentences but were not released by the Israeli authorities were followed up. One of them has been released, while the other is still under detention.

Press Releases about Palestinian and Arab Prisoners Held in Israeli Prisons

10 January 1999

The Centre issued a press release on the first Israeli arrest of a Palestinian citizen after his arrival at Gaza International airport. The press release reported that on 9 January 1999, the Israeli Occupation Forces arrested the student Magdi Nadi Abu Sidu, resident of Gaza, born in 1975, after his arrival at Gaza International airport. He was arrested at the Rafah crossing (where the airport's security checks take place).

The press release added that Abu Sidu is the first Palestinian to be arrested after his arrival at Gaza International airport, which was opened on 14th December 1998. These incidents are another means of violating the freedom of movement of Palestinians to and from the Occupied Territories. It is worth mentioning that the Israeli occupation has recently escalated its policy of bad treatment of Palestinians at the crossings where Israeli soldiers have control. Many citizens are arrested and detained at detention centres inside Israel where they are subjected to torture and ill treatment. PCHR believes that the recent measures will have an impact on the increasing number of Palestinians who are being arrested at the crossings, especially in the aftermath of the opening of the airport.

The press release expressed PCHR's strong condemnation of the arbitrary measures that are perpetrated by the Israeli occupation forces against Palestinian civilians who should be protected by the IVth Geneva Convention of 1949. Moreover, PCHR demands that the international community puts pressure on the Israeli government to fulfill its obligations towards the Palestinian people, especially the immediate release of Palestinian and Arab prisoners inside its prisons.

10 February 1999

The Centre issued a press release on the release of the detainee Mahmoud Suleiman Salama El-Sawarka. The press release reported that on Monday, 1 February 1999, the Israeli Release Committee decided to release detainee Mahmoud Suleiman Salama El-Sawarka (56 years old, from Al-Arieh, Egypt) due to his deteriorating health. Six unsuccessful surgeries were carried out on El-Sawarka's stomach during his detention.

The Israeli authorities arrested El-Sawarka on 6 July 1977 in El-Arish, Egypt, at the time when El-Arish was under Israeli occupation. He was sentenced at that time to life imprisonment. He was accused of killing Israeli soldiers during the period of Israeli occupation of the north Sinai. He spent 20 years held in isolation without the knowledge of his family as to his whereabouts. In 1997 information was released to his family that he was being detained in Ashkelon Prison in Israel. Although Egypt signed a peace treaty with Israel in 1978, he was held until today (along with nine other Egyptian prisoners) in the Israeli prisons.

The decision to release El-Sawarka and to transfer him to Egypt was conditioned on the approval of the President of the State of Israel, who approved his release today, 10 February 1999. PCHR was informed that El-Sawarka would be released today at 2:00 p.m. He will be passed over to the Egyptian authorities through the Rafah border entrance.

Finally, The Palestinian Centre for Human Rights (PCHR) expressed its deep concern about his health and the health of scores of other Arab and Palestinian detainees. PCHR also warns of the continued deterioration in the health and living circumstances of these detainees in Israeli jails.

10 April 1999

The Centre issued a press release on the release of two brothers after they were subjected to torture by Israeli interrogators. The press release reported that on Thursday, 8 April 1999, Israeli authorities released the two brothers, Bassam and Hasan Al-Arabid. After 60 days of arrest no charges had been filed against them. The two brothers were arrested at Erez checkpoint on 11 February 1999 while they were leaving the Gaza Strip to work in Israel.

The press release mentioned that Andre Rosenthal, the Israeli lawyer requested by PCHR to follow their case, was denied access to visit them until after 35 days of arrest had elapsed. The two brothers were subjected to torture during interrogation, including shabeh (painful shackling in awkward positions combined with sleep deprivation and hooding). They were also subjected to loud music and isolated in individual cells. The aim of these torture methods was to extract information about their brother, but they were not interrogated about charges pertaining specifically to themselves.

The press release expressed PCHR's deep concern over the escalation in arrests carried out by Israeli security forces against Palestinians, in addition to continued use of torture during interrogation, and arrest and detention without charges. . In addition, PCHR expressed concern at the undue harshness of the Israeli military court's sentences.

18 April 1999

The Centre issued a press release on the occasion of the Palestinian Prisoners' Day which take place on 17 April of each year. The press release reported that on 17 April 1999, the Palestinian people commemorated Palestinian Prisoners' Day while almost 2,500 Palestinians and Arabs remain in Israeli prisons and detention centers. Palestinian and Arab prisoners in Israel continue to suffer difficult living conditions while being denied their basic rights and being subjected to torture during interrogation. Almost 100 prisoners are being held without charge or trial under administrative detention.

The press release added that nearly five years after the signing of the Interim Agreement between the PLO and the government of Israel, the Israeli government continues to turn its back on its obligations under the peace process regarding the release of Palestinian prisoners. Israel continues to deprive prisoners of the right to receive legal aid by prohibiting Palestinian lawyers from visiting them. Palestinian prisoners are also deprived of the right to receive regular family visits in a decent and humane way.

In addition the press release clarified that many prisoners suffer from deteriorating health conditions as Israel does not provide proper medical treatment. Many of the ill prisoners are struggling against disease and will probably die if not released from prison. Israel continues to disregard appeals from human rights and international humanitarian organizations to release prisoners in critical health conditions or to provide them with proper medical care to save their lives. Among these detainees are Yasser Muadin, who suffered from kidney disease,³⁵ Nidal Abu Alia, and Imad Zourab.

³⁵ Yasser Mouadin was released on 15 October 1999, within the context of the second stage of releases under the Sharm El Sheik Memorandum.

At the same time, the press release added, many Palestinian prisoners are isolated in individual cells and subjected to oppressive measures threatening their lives. Israel continues to practice different methods of torture against Palestinian and Arab prisoners despite international and local condemnation. Israel is the only country worldwide to have legalized torture, apparently in a conspiracy between the judicial, legislative, and executive branches of the government. On 11 December 1998, the Israeli daily, Yerushaleim, published that the head of the Israeli General Security Services (Shabak) admitted that no interrogator from the Shabak had not used torture. His statement, according to the daily, was made in a workshop commemorating the 50th anniversary of the Universal Declaration of Human Rights.

PCHR, in commemorating Palestinian Prisoners' Day, called for the following:

- 1) The international community should exert pressure on Israel in order to release Palestinian and Arab prisoners – particularly the elderly, the ill, and juveniles.
- 2) To bring all those involved in the perpetration of torture to justice.
- 3) To provide proper medical aid for ill prisoners or to outright release them.
- 4) To guarantee that all prisoners are able to receive regular and humane family visits.
- 5) To allow Palestinian lawyers to visit Israeli prisons in order to provide legal aid to Palestinian and Arab prisoners.

22 May 1999

The Centre issued a press release on the death of a Palestinian in Beer Sheva prison as result of medical negligence. The press release stated that on Monday 17 May 1999 the detainee Shadi Saqr Abu Dahruj died in his cell in Beer Sheva prison. The late Abu Dahruj was 21 years old from Jabalva in the Gaza Strip. He was arrested by the Israeli military forces in the area of Tulkarem in the West Bank where he worked for five months in a carpentry shop. He was held initially in the detention centre of Ar´el and afterwards he was transferred to the police station in Beit Leid and ended up in the Beer Sheva prison.

The press release added that the Abu Dahruj's family found out about his detention from one of his fellow prisoners who contacted them by telephone. According to the family he was supposed to have been brought in front of the Military Court on 18 May 1999.

His health deteriorated and one of his roommates asked the prison guards to help him but they did not react. Due to the lack of medical care, the late Abu Dahruj died in his cell at 8: p.m. on 17 May.

The press release added that his family was not able to visit him since the arrest and the ICRC was not able to locate him. According to his family, the late Abu Dahruj was suffering from heart problems before his arrest.

The press release clarified that PCHR was following the case and was convinced that there are strong reasons to believe that the death of Abu Dahruj was caused by the lack of medical care from the Israeli prison administration.

Moreover, the press release reported that in 1997 the late Riyad Edwan also died in the Beer Sheva prison due to the lack of medical care. And in 1998 Yousef al Ar'eer died in Ramla prison also due to lack of medical care.

PCHR is now more convinced that the Israeli prison administration continue to deny proper medical care for the Palestinian detainees and prisoners in the Israeli prisons. Accordingly, PCHR demanded an investigation of this death and asked the international community and human rights organizations to pressure the Israeli government and the Israeli prison administration to commit itself to, and act according to the International law, especially the Standard Minimum Rules for the Treatment of Prisoners and the Principles of Medical Ethics relevant to the Role of Health Personnel in dealing with Prisoners in its prisons.

19 August 1999

The Centre issued a press release on the Israeli authorities' release of the longest held Palestinian detainee, while more than 2000 remain in prison. The press release reported that on 19 August 1999, the Israeli authorities released the detainee Khalil Sa'di Ahmad El Rai', also known as Abu El Sa'ad, from Israeli prison.

The detainee El Rai' is from El Zaitoon in Gaza Strip and was born in 1954. He was arrested on 5 March 1974 and sentenced to life imprisonment. He was accused of being the leader of one of the Fateh military groups in Gaza Strip, and of killing the Superintendent of Israeli Police in Gaza Strip in 1973.

El Rai' was arrested again in 1987, after he escaped from Nafha Prison. He was arrested during his attempt to overrun the Egyptian border with Israel. During the period of his detention, he was transferred to several different Israel prisons, including Gaza Central, Nafha, Azqlan, Beer Sheva, Shuta, Al Ramle and Qifar Yuna. He is the longest known Palestinian detainee held in Israeli prisons.

While the Palestinian Centre for Human Rights expresses its pleasure at the release of El Rai' it draws attention to the fact that there are more than 2000 Arab

and Palestinian detainees still in Israeli prisons and suffering from difficult, dangerous and seriously unhealthy living conditions. In this context PCHR called on the international community to pressure Israel to respect and implement the relevant international Conventions and to immediately release all the detainees in Israeli prisons as a basic condition for enhancing mutual trust and promoting just peace in the region.

1 September 1999

The Centre issued a press release on an unjust judgement issued by the Israeli Military Court at Erez. The press release reported that on 30 August 1999, the Israeli Military Court at Erez, in the north of the Gaza Strip, sentenced Issam Dola, 28 years old, resident of Gaza, to 72 months imprisonment, with 36 months suspended. Dola was convicted of affiliation with the Islamic Resistance Movement, Hamas. He was arrested at Rafah Border crossing on 11 November 1998, while he was leaving the Gaza Strip. He was part of a businessmen's delegation going to participate in an Industrial Exhibition in Egypt .

Amin Shahwan, 21 years old, resident of Khan Younis, was sentenced by the same Court, to 66 months imprisonment, with 36 months suspended. Shahwan was also arrested at the Rafah Border crossing when he was leaving the Gaza Strip on 27 October 1998. He was also convicted of membership in, and providing service to an "illegal" organisation .

The press release stated that on 29 August 1999, Israeli Authorities released both Khalil Khatar and Faez Zedan, both 25 years old and residents of Deir el Balah, after almost 40 days of arrest and interrogation at Ashkelon Prison. They were both arrested at Rafah border crossing , on 20 July 1999, as they were returning to the Gaza Strip after finishing their university studies in the Russian Federation .

Moreover the press release reported that the Israeli Authorities have recently arrested dozens of Palestinians at Rafah Border crossing, most of them university students. PCHR provides legal aid for those prisoners through the Israeli law office of Andre Rosenthal. PCHR lawyers, and all Gazan lawyers, (estimated 400 lawyers), are denied access by the Israeli Authorities to Israeli jails and detention centres .

PCHR expresses its deep concern over the increase in arrests launched by the Israeli Authorities against Palestinian citizens. PCHR also is concerned about the heavy sentences imposed by the Israeli Military Court in Erez. This Court does not meet the minimum requirements for a fair trial. In these cases the charges are for minor offences, and the alleged activities to which the charges relate were mostly embarked upon prior to the Peace Accords. Furthermore, these prisoners and ex-prisoners testify that they were subjected to torture, including sleep

deprivation and shabeh (being forced to stand for extended periods in painful positions), by the interrogators of the Israeli General Intelligence Service .

8 September 1999

The Centre issued a press release on the Israeli High Court's decision to ban torture. The press release expressed PCHR's satisfaction at the ruling of the Israeli Supreme Court sitting as the High Court of Justice to ban torture methods used by interrogators of the General Security Service (GSS). At the same time it expressed PCHR's deep concern over the encouragement implied in the ruling to the Israeli legislature (Knesset) to enact a law which may empower the GSS to employ physical means against Palestinian prisoners.³⁶

9 September 1999

The Centre issued a press release on the Israeli authorities release of 199 Palestinian prisoners from Israeli jails. The press release reported that the released prisoners included including 98 prisoners from the Gaza Strip, and 101 from the West Bank. This release was carried out under the provisions of the Sharm El Sheik Memorandum, signed on 5 September 1999, which revised the Wye Accords, and set a framework for resuming the negotiations on final status issues.

The Memorandum states “the Israeli government will release Palestinian prisoners who committed their offences before 13 Sept 1993, and those arrested before 4 May 1994”. Today’s release, which is the first stage of the releases agreed upon in the Memorandum, was to be implemented within a week of its signing, and was to include 200 prisoners. One of the prisoners listed for release, refused to be released due to the fact that he has only one week of his sentence left to serve, and he asked that priority for release under the Memorandum be given to someone else.

The press release added that a further 150 prisoners are due to be released 8 October. The Memorandum also provides for further prisoners to be released before the month of Ramadan, i.e. by the end of this year.

Though the Memorandum clearly provides for the release of prisoners who committed their offences before 13 September 1993 and were arrested before 4 May 1999, the Israeli authorities excluded from release many prisoners who meet these criteria, on the following grounds:

1. All prisoners from Jerusalem were excluded
2. All prisoners from within the Green Line were excluded
3. Prisoners from Hamas and the Islamic Jihad were excluded
4. Prisoners accused of killing Israelis were excluded

³⁶ See page 27 of this report on the Centre's view concerning the court decision included in the above-mentioned press release.

5. Prisoners accused of seriously wounding Israelis were excluded

The released prisoners were asked to sign commitments stating that they will not practice violence or acts of terrorism, that they will not enter Israel without permission, and that the period remaining on their sentence will be considered to be suspended for three years.

While welcoming the release of the 199 Palestinian prisoners, PCHR denounces the classifications imposed by the Israel authorities to restrict the Prisoners eligible in this release operation. Accordingly, PCHR states the following:

1. There is no reason whatsoever for excluding prisoners accused of killing or seriously injuring Israelis from the release operation. While it is true that Israelis were killed in the conflict between the two sides, the Palestinian people paid and are still paying the price of thousands of deaths and injuries, as a result of shootings by Israeli soldiers and settlers. If there are Palestinian hands “stained with Israeli blood”, to use the Israeli phrase, there are also many Israeli hands stained with Palestinian blood.
2. Excluding the prisoners from East Jerusalem, particularly, has very deep political implications and this separation of Jerusalem from the rest of the Palestinian territories in this critical and sensitive issue is condemned by PCHR.
3. The Palestinian prisoners from within the Green Line and from Hamas and the Islamic Jihad make up an integral part of the Palestinian prisoners who were arrested during their legitimate struggle against the Israeli occupation. In light of the agreements signed between the Israeli and Palestinian parties, ending the hostile activities between the two sides, they should be released. In this context, PCHR refers to the case of Northern Ireland, where the British government released all political prisoners, without exception, at the beginning of the peace process.
4. PCHR also points out that in previous agreements between the PLO and the Israeli government relating to the release of prisoners, and particularly that of 20 May 1985, these classifications were not used. Neither on the grounds of geographical or political affiliations, nor on the grounds of the nature of offenses committed. Yet now, as the two parties are making an historic reconciliation we find these unjustified and illegitimate distinctions being used.
5. PCHR will continue to struggle, along with other human rights organisations and with all civil society, for the release of almost 1800 Palestinian and Arab prisoners remaining in Israeli jails.

13 October 1999

The Centre issued a press release on the escalation of tension in Ashkelon Prison. 50 prisoners have been placed in isolation cells, and the prisoners' families have been denied access to visit. The press release reported that for two weeks, Ashkelon Prison has witnessed strong tension between the prison administration and the Palestinian detainees. The tension started after the prison administration prevented the detainee's families from visiting their relatives in prison.

On 13 October 1999, the Ashkelon prison administration prevented, for the second time detainee's families' visits. The first time was on 29 September 1999 when the prison administration claimed it was carrying out searches inside the prison to find mobile phones.

On 3 October 1999, the administration of the prison suddenly stormed cells in the prison, forcing the detainees to take off their clothes, before beating and abusing them.

At the same time, the prison administration has placed 50 detainees in isolation cells, restricted the movement of the other detainees in the prison, and confiscated their private property.

Furthermore, the prison administration has imposed new measures against the detainees. Amongst these measures, are the practice of binding and chaining their hands and legs for their appearances before the Israeli Military Court, and forcing them to take off their clothes, and beating them. The justification given for these harsh new measures was security searches. The effects of the beatings were clear on some of these detainees when they arrived at the Israeli Military Court at Erez on 10-11 October 1999. Amongst them were the detainees Mohammed Dokhan, and Munier Abu Dba'ah.

Moreover, on 11 October 1999, the prison administration transferred the detainee Mohammed Hazem Dowaas, 20 years old from Jabalia Camp, to an isolation cell in El Ramla prison and beat him. This was a result of the detainee's attempt to stab a jailer. In addition, the prison administration transferred the detainee Abe Al Aziz El Sharatah'a, 41 years old from Jabalia Camp, to an isolation cell at Beer El Saba'a.

The Palestinian Centre for Human Rights (PCHR) considered the measures adopted by the prison administration to be unduly severe. These measures are contrary to the minimum standards for the treatment of prisoners set out by the United Nations in 1995. At the same time, PCHR warned that the situation in Israeli prisons could explode if the prison administration persists in adopting such severe measures.

Moreover, PCHR called on the international community in general, and the High Contracting Parties to Fourth Geneva Convention in particular, to pressure Israel to meet its legal obligations concerning the detainees, particularly its commitments to release the Arab and Palestinian detainees inside its prisons.

17 October 1999

The Centre issued a press release on the release of 151 prisoners. The press release reported that on Friday morning 15 October 1999, the Israeli military forces released 151 Palestinian and Arab detainees, within the context of the Sharm El Sheikh Memorandum signed between the PLO and the Israeli government. About 83 detainees arrived in Gaza Strip and 68 others arrived in the West Bank. Amongst these detainees are 37 Arab detainees who spent many years in the Israeli prisons. These detainees may finally return to their home countries if they so wish.

Israel released the first group of 199 detainees under Sharm El Sheikh on 9 September 1999. Moreover, under Sharm El Sheikh it was agreed that Israel should release another group of detainees before the beginning of Ramadan. The number of detainees to be released at that time was not determined in the Memorandum.

The Sharm El Sheikh Memorandum provided that Israel would release Palestinian and Arab political detainees who carried out actions before 13 September 1993, and who were arrested before 4 May 1994. Nothing in the Memorandum provided for the restrictions imposed by the Israeli government to exclude the release of detainees from Lebanon, Syria, Jerusalem and from inside the Green Line.

The detainees were released only after they signed a commitment not to practice violence or take part in terrorist actions, and under which they agreed that the remaining period of their sentences would remain as a deferred sentence for a period of three years.

PCHR welcomes the release of the Palestinian and Arab detainees but reaffirms its rejection of the discriminatory policy pursued by the Israeli government in this regard. PCHR considers the exclusion of detainees from Jerusalem as dangerous as it is aimed at separating Jerusalem from the rest of the Palestinian Occupation Territories.

Moreover PCHR considers the Palestinian detainees who reside in Israel and those of Hamas and Islamic Jihad to be an integral part of the detainees who were arrested due to their practice of their legal right to resist the Israeli occupation. PCHR asserts that those detainees must be released without exception.

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

The number of Israeli settlements in Gaza Strip totals 19, some of which are inhabited by no more than 10 people, while the total population of these settlements is about 5,000 settlers. The Israeli settlements are located in the most

strategic areas of Gaza Strip, and include within their territories the most fertile land and most important water sources in the Gaza Strip. The existence of Israeli settlements in the OPT is illegal, but they have been imposed by Israel ever since its occupation of the Palestinian territories, and under the new Barak government, settlement activities are increasing.

Illegal Israeli measures aimed at controlling Palestinian land have taken many forms. The government of Israel pursued an active policy to confiscate all lands owned by Palestinians who were outside the OPT before the war of 1967, or who were forced to leave the OPT after this war (these lands were described as *absentee properties*). Also, Israeli occupation forces have used governmental lands for settlements rather than preserving them for the benefit of Palestinian civilians in the OPT. Whether at a local or international level, there can be no argument that these Israeli settlement measures are illegal, and contrary to international law and the concerned United Nations General Assembly Resolutions, in fact the international community has repeatedly condemned them and declared them void.³⁷

Freezing Israeli settlement activities in OPT including Jerusalem, has been one of the basic requirements for the continuation of the peace process in the region since the Madrid Conference in 1991. According to article XXXI, para.7 in the Israeli\Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995, “neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations”.

Under this provision Israel was able to achieve a moratorium on discussion of its illegal settlements activities which took place before the agreement, including the establishment of more than 1,500 settlements in the occupied Palestinian Territories, until the commencement of the permanent status negotiations. But, on the other hand, it is also clear from this provision that no new settlements activities could be carried out.³⁸

During 1999 Israeli settlement activities in the Occupied Palestinian Territories continued, and the change of Israeli government after the general election on 17 May 1999, has not reduced these activities. At the beginning of October 1999, the special ministerial committee concerning settlement approved the Israeli housing

³⁷ For more details on settlements in the Gaza Strip see, The Palestinian Centre for Human Rights, *A comprehensive Survey of Israeli settlements in the Gaza Strip*, Gaza, the Palestinian Centre for Human Rights, 1996.

³⁸ In August 1996 the Likud government, which was formed after June 1996 election, decided to abolish the former Labor government’s decision adopted in June 1992 under international pressure, regarding the freezing of settlement. Even that government (Labor Government) had not committed itself to the decision of freezing the settlement. The Likud government continued in expanding the established settlements, building new ones, and building by-pass roads to connect these settlements to Israeli territories under the justification that these roads are necessary for Israeli Security Forces redeployment according to the Interim agreements. Accordingly Israel continues to confiscate Palestinian lands.

minister Izhaq Livi's³⁹ proposal to establish 2,600 new housing unit in the established settlements in the West Bank. This massive escalation in settlement planning took place simultaneously with an Israeli campaign aimed at misleading the international community's public opinion, in which Ehud Barak announced his intention to adopt a group of decisions concerning 42 settlement outposts. The Israeli media provided extensive coverage of the activities of IDF soldiers during their attempts to dismantle one of these outposts⁴⁰ on 10 November 1999. It is notable that the government of Israel considered only 13 of the above-mentioned 42 outposts to be illegal.

In the Gaza Strip, PCHR's field workers have documented intensive waves of activities aimed at controlling and annexing new land to the established settlements. These waves which were carried out by settlers and Israeli occupation forces and focused mainly on the area around Gush Qatif settlements. The activities have escalated under Barak's government.

As a form of popular resistance to the settlements, the Higher Secretary of the Islamic and National movements called for an end to all forms of dealing between Palestinian civilians and settlers in Gaza Strip. On 21 November 1999, the Secretary's decision to prevent Palestinian workers from working inside the settlements came into force. In response, the settlers, with the support and protection of Israeli soldiers, closed the roads leading to the El-Mawasi areas, preventing people from returning to their homes and farms. In addition, pupils were prevented from attending their schools.

In all cases where settlers with the protection and support of Israeli soldiers, confiscated Palestinian land, sharp clashes between Palestinian civilians and Israeli occupation soldiers took place. This influenced the peace negotiations between the two sides, as the Palestinian side considers settlement activities to undermine the process in general and in particular to violate the agreement not to carry out unilateral activities in an attempt to change the facts on the ground before the final status negotiations.

Settlement Activities in the Gaza Strip in 1999

During 1999 PCHR continued to document and monitor the settlements and settlement activities in the Gaza Strip. The number of settlement activities documented by the Centre in 1999 was 43, in comparison with 33 during the previous year. The most prominent activities are as follows:

³⁹ He is the head of the religious national party "El Mifdaal", which is considered a rightist party. In the last Israeli election the party won five seats in the Israeli Parliament (Knesset). The party believes that the Israel should be a pure Jewish State, that Jerusalem is a unified capital for Israel, and the settlement activities are good and in harmony with the prophecies of Israeli prophets.

⁴⁰ This outpost is called "Haffat Mao'on", near Hebron. According to Al Quds newspaper on 11 November 1999 four families and five singles were living on a farm beside which three caravans and a number of tents were set up, but hundreds of people had moved to it before its evacuation and built stones barriers to prevent the evacuation.

- 1) On 12 January 1999 a number of settlers, supported by Israeli soldiers excavated about 5 dunams of land located at Khan Younis Beach. At the same time other excavation activities were carried out on 2 dunams of land alongside an intersection leading to the area El Satar El Garabi from the Coastal Road.
- 2) On 15 January 1999 a settler built green houses on 10 dunams of land located in Tel El Jinan area in Khan Younis Mawasi, to the west of Nafieh Dekaliim.
- 3) On 25 January 1999 the occupation forces opened a road 2 kms long and 10 metres wide connecting the Palestinian Flour Mill Company and the road from the south to the west of the Gaza Strip. This step was aimed at establishing a route to be used by Palestinian vehicles coming from and going to the Palestinian Flour Mill Company, instead of using the parallel road leading to Gush Qatif settlements.
- 4) On 11 February 1999 Israeli soldiers prevented Nabil Zo'urab (a farmer) from planting his land (8 dunams) located in the Yellow Area in Tel Zo'urab, south west of Rafah, and ordered the tractor driver who was hired by Zo'urab to leave. Neither the farmer nor the driver was allowed to continue their work, except after the intervention of the Joint Forces. Two days later, Israeli soldiers once again prevented them from planting the land.
- 5) On 18 February 1999 Israel occupation forces demolished about 160 metres square of barbed wire fence surrounding the land of Sulieman Oudah Zo'urab (about 20 dunams) located at the intersection near the Swedish Camp. As a result of this demolition the plantings and water pipes on the land were destroyed.
- 6) On 18 February 1999 settlers used a bulldozer, accompanied by soldiers, to excavate farmland and demolish a number of farm sheds used by the farmers in the Mawasi area for resting and for storage of vegetables. These activities covered a wide area of the planted land along the Coastal Road between Khan Younis and the Egyptian border.
- 7) On 28 February 1999 a large force of Israeli soldiers, accompanied by settlers carried out wide searches in the Mawasi area in Khan Younis during the night. During this process the soldiers shone bright search lights throughout the area and their vehicles ran over planted areas destroying large areas of the plantations of Yehiah El Fara' and Musa El Lhaam. Moreover they arrested Mohammed El Aham, and Hamada El Aham and transferred them to Beer Sheva police HQ where they were interrogated. These two civilians informed the Centre that they were subjected to beating before their release the next day.

- 8) On 2 March 1999 Israeli officials from the Israeli Properties Department submitted to Nadiem Feras, the owner of land in Khan Younis Mawasi, an eviction notice under the justification that the land was governmental and that he had no right to use it. After reading the notice, he discovered that the land referred to in the notice was not his, accordingly he submitted a complaint to the Palestinian Civilian Liaison Office.
- 9) On 3 March 1999 about 15 settlers from the Muraj settlements located east of Rafah attempted to take control of about 50 dunams of land west of Um El Qraies area, which they planted with olive saplings. The land belongs to the Dhier family from Rafah.
- 10) On 10 March 1999 Occupation forces built a military installation near Muraj settlements east of Rafah. The installation is about 30 metres from the gate of the Muraj settlements on the left-hand side of the road leading to the settlements. The installation was built on about 2 dunams of governmental land used by Dhier family.
- 11) At the beginning of April 1999, Israeli occupation forces expanded a monitoring installation located at the entrance to the road from the Palestinian Flour Mill Company. The occupation forces did so after controlling 400 metres square of land to the east of the above-mentioned installation. Furthermore, the forces upgraded the defense ability of the monitoring installation located at the entrance to the Qufar Darum settlements beside El Mizrah primary school, where they put cement blocks 5 metres long and 3 metres high. The Israeli forces also tried to expand the monitoring installation on 1 dunam of land on the Netzarim-Karni Road (the military police intersection). Palestinian Liaison Forces opposed this and prevented continuation of the work. Accordingly the Israeli soldiers only built the iron framework (5 metres high).
- 12) On 22 April 1999 Israeli settlers used a bulldozer to complete the construction of a settlement road 200 metres long and 8 metres wide. The road connects the settlements of Durit (north of Beit Lahiya) and a military installation established to the south east of these settlements.
- 13) On 25 April 1999 Israeli occupation forces placed cement blocks around 2 dunams of land within the periphery of Jani Tal settlement in Mawasi Khan Younis. This step came as a means to pave the road to build a military installation inside the settlement.
- 14) On 4 May 1999 Israeli settlers used bulldozers to excavate an area alongside the military installation located to the west of Netzar Hazani settlements. Israeli occupation forces also stole the soil and smuggled it into the Gush Qatif settlements.

- 15) On 10 May 1999 a number of settlers attempted to take control of about 15 dunams of land from Beit Lahiya to the west of Durit settlements by building a barbed wire fence around the land.
- 16) On 7 June 1999 a group of settlers from Gush Qatif built an iron fence along the southern and eastern sides of land belonging to the El Farah, El Narjar and El Shai'r families. This step paved the way to surround the land with a barbed wire fence. The barbed wire fence was in fact removed after the intervention of the Joint Forces.
- 17) On 16 June 1999 a settler forcibly entered the home of Uдах Abu Shaluf from Mawasi Rafah. The settler searched the home, destroying its contents, claiming he was searching for a water pump stolen from a Beit Saleh settlement located near the Mawasi area.
- 18) On 1 July 1999 settlers from Tel Qatif built new green houses in the settlements located alongside the Coastal Road, north of Der El Birah. By 27 July 1999 they had completed the construction of 15 green houses on 30 dunams of land. Also they added new caravans to the settlement.
- 19) On 18 July 1999 Israeli settlers used bulldozers to excavate 40 dunams of land located in Tel Jenan in Khan Younis Mawasi. The land is located next to another piece of land, approximately 20 dunams in size, which was controlled by a settler in 1999, and he built greenhouses and a shop for selling second hand car tires. The settler claimed that he rented the land from the Israeli government for a period of 49 years.
- 20) On 25 July 1999 a settler from Kfar Darum settlement completed the construction of a cement wall, construction had begun in the beginning of July, which the aim of extending the settlement towards the west, alongside Salah El Dien Street.
- 21) Since the beginning of August 1999 Israeli occupation forces have been expanding the military installation inside Durit settlement north of Bet Lahiya. A transfer of electricity poles outside the installation was witnessed, along with the construction of surrounding sand barriers. Moreover, building material including stones and cement were transferred to the installation. A Palestinian worker in the settlement mentioned that there were excavation and building activities within the settlement.
- 22) On 22 August 1999 an Israeli settler used a bulldozer to open a new settlement road alongside the road connecting Gush Qatif, Gan Or settlements, Jadid settlements and the B'dulah settlements. About 700 metres of this road has been laid with sand as a preparation to extend it to another area of land approximately hundreds of dunams in size,

located between the road and the above-mentioned settlements, in order to expand the borders of these settlements from the west side.

- 23) On 25 August 1999 settlers from Netzarim settlement built a waterpipe line about 450 metres in length. They connected the line to land (about 500 dunams in size) located to the south of the settlement. This step came as an attempt to control the land.
- 24) On 27 August 1999 Israeli settlers used bulldozers to excavate 5 dunams of land from Tel Jenan land in Khan Younis Mawasi as a means to annex the land to the military installation that is built on the land.
- 25) On 30 August 1999 Israeli settlers used bulldozers to excavate about 500 metres square of land owned by El Fara' family located beside the Palestinian Flour Mill Company in El Qarara area.
- 26) On September 1999 a group of settlers from Nerzarim settlements with the support of Israeli soldiers transferred for two full days a large quantity of sand inside the settlements from the south area. The aim was to complete the construction activities inside the settlements in order to increase the number of housing units as a means to establish more resident families in the settlement.
- 27) On 16 September 1999 Israeli settlers used bulldozers to excavate 20 dunams of land located alongside El Malalha farm to the east of Rafah Mawasi as a means to annex it to Gush Qatif settlements.
- 28) On 18 September 1999 Israeli settlers used bulldozers to excavate 1 dunam of land located to the north of Beit Sedieh settlements in order to expand the nearest military installation.
- 29) On 28 September 1999 settlers from Qfar Darum built a new military installation at the northern border of the settlements. The military installation was built on 150 metres square of land and surrounded by a cement wall 8 metres high.
- 30) On 30 September 1999 Israeli settlers used bulldozers to excavate about 70 dunams of governmental land farmed by the farmers of Abu Shalouf family. The land was located at the borders of Beit Sedieh and Atsumona settlements to the north of Rafah City in the Mawasi area. The settlers also removed a barbed fence separating the two settlements and the neighbouring land.
- 31) On 10 October 1999 an Israeli official from the Governmental Properties Department presented Sabri El Najar with a eviction notice in relation to about 12 dunams of land from Tel Jenan, claiming that the land is under Israeli control. On 7 October 1999 the settlers built a sand road alongside

the above-mentioned land from the north in order to control it and to annex it to another piece of land, with a size of 200 dunams, which had been controlled by the settlers during the past year, and on which they built green houses.

- 32) On 13 October 1999 settlers surrounded with an electric fence 2000 dunams of land from the Mawasi land in Rafah and Khan Younis area, as a means to annex the land to the settlements of Jadid, Gan Or, B'dulah and Atsumanah, and to expand the borders of these settlements to the west. Earlier, in September, the settlers had surrounded the land by a sand road.
- 33) On 14 October 1999 settlers carried out widespread excavation activities in lands in El Qarara Mawasi located alongside Qatif and Netza Hazani settlements to the west. The land involved was 1500 dunams in size. The settlers controlled about 500 dunams of this land in the past year, in addition they built a number of green houses on the land and established a high-pressure electricity network in the area.
- 34) Throughout October 1999, the settlers of Slaow, Qatif and Tel Qatif settlements built 30 greenhouses, each of which was about 2 dunams in size.
- 35) On 3 November 1999 Israeli settlers used bulldozer to carry out widespread excavation activities in the sand dunes planted by trees and located to the south of Jani Tal settlement and to the west of El Amal square in Khan Younis. The land excavated covered approximately 100 dunams.
- 36) On 5 November 1999 settlers built a new 800 metre long settlement road in Mawasi Rafah land. The road connects Beit Sedieh settlements and the closest military installation. This step came in preparation for taking control of about 160 dunams of Rafah Mawasi land and annexing that land to Beit Sedieh settlement, in order to expand its borders to the north.
- 37) On 9 November 1999 settlers from Netzarim settlement stole sand from neighbouring land to the south. The land is located under the PNA jurisdiction.
- 38) On 14 November 1999 Israeli settlers a bulldozer to begin excavating about 10 dunams from land with a size of more than 100 dunams planted with trees in the Rafah Mawasi area, and located alongside Beit Sedieh settlements to the south. The aim was to annex the mentioned land to the settlements in order to expand the borders.

- 39) In mid-November 1999, new building activities inside Beit Sedieh settlements were witnessed. The settlers built two new housing units in the southwest of the settlement.
- 40) Since 9 December 1999 PCHR fieldworkers have documented settler bulldozers backed by large Israeli forces excavating and building a new settlement road. The road surrounds about 350 dunams of land from Khan Younis Mawasi land located alongside the Ocean Road that connects Khan Younis City to El Mawasi area from the south. The step paved the way to annex the mentioned land to the Nafieh Dukalem settlement that is located to the north of this land.
- 41) Since December 1999 the settlers, supported by Israeli soldiers, have been using bulldozers to open another settlement road. The road surrounds 500 dunams of planted land located west of El Satar El Garabi area in Khan Younis. The road is intended to enable the settlers to annex the land to the Qatif settlements.
- 42) On 13 December 1999, at around 1.30 a.m., Israeli settlers used bulldozers to excavate 5 dunams of land planted with young Guava trees and another 1 dunam of land planted with onions. The land is located in Tel Jinan area in Mawasi Khan Younis. The excavation activities were accompanied by a massive distribution of occupation forces, which imposed a siege on the area. Sabri El Najjar, a farmer, approximated the losses at US\$5000.
- 43) On 15 December 1999, during the night, settlers damaged greenhouses and irrigation systems on 2 dunams of land planted with potatoes and strawberries. The owner of the land, Younis Mahmoud Abedullah, complained to the Military Liaison Office. After the site had been investigated footsteps were discovered leading to Navi Dukalim settlement.

Palestinians Murdered by Israeli Settlers in 1999

During 1999 Israeli settlers killed a Palestinian child from the West Bank after a settler's car hit him. No other similar cases were documented in 1999. In 1998 Israeli settlers killed eleven Palestinians. Nevertheless, in 1999 there were a number of Palestinians injured as a result of similar accidents involving settler cars in the Gaza Strip.⁴¹

⁴¹ On 10 May 1999 Hamoud Salim Abu Holi, 19 years of age, suffered multiple broken bones as a result of being hit by a settler car being driven at excessive speed on Kusief Road. On 15 May 1999 Ahmed Majed Muhammed also suffered multiple broken bones as a result of being hit by an Israeli settler car which was also being driven at excessive speed along the Ocean Road coming from Khan Younis camp. On 10 October 1999 four civilians from El Qarara were injured as a result of being hit by a settler car which was being driven at excessive speeds on the road leading to Gush Qatif settlements near to the Palestinian Flour Mill Company, they were Ottman Ahmed

- 1) Mohammed Ali El Badarin (12 years old, from El Samouh in Hebron)** On 27 February 1999 he was hit by a settler car while he was going to help his father to plant his land in El Samouh village. The injuries resulting from the incident led to the death of the child. The settler was driving at excessive speed.

Press Releases about Settlements and Settler Activities in the Gaza Strip

25 August 1999

The Centre issued a press release reporting that on 23 August 1999, a representative from the Israeli Occupation Authority (Government Property section) with an Israeli military escort, circulated eviction notices to many Palestinian homes located on Block 88, parcel 17, west of Khan Younis refugee camp, to the east of Neve Degalim settlement. The notices set the deadline of 7 September 1999 for evacuation of the land.

According to eyewitnesses, representatives of the Israeli Occupation Authority, escorted by one of the Israeli soldiers began to put the notices on the doors of the Palestinian homes in that area. They then took many photographs of the homes. Almost 70 families have lived in that area since the beginning of 1999. They then tried to put eviction notices on other homes but were confronted by the people and prevented from doing so.

According to PCHR information, from the Palestinian military liaison office of the southern area, the Israelis have raised the issue of these homes many times during the Israeli-Palestinian military co-ordination committee meetings. In the last meeting in mid-August the Israelis threatened to destroy these homes if the Palestinians did not. The Israeli justification is that these homes are located in an area under Israeli security control according to the Oslo accords.

This new and dramatic step comes at the same time that Israeli bulldozers have, since Sunday 22 August 1999, begun paving a new settlement road. The new road is near the road connecting Gush Qatif settlements from the east, with Gan Or, Gadid and Bedolah settlements from the west. At this stage almost seven hundred metres have been paved with clay. This is an attempt to confiscate hundreds of dunams of land located between this road and the latter three settlements in order to expand the settlements from the western side.

PCHR expressed in its press release its deep concern at the expansion of Israeli settlements in Gaza, which is illegitimate according to international law and UN resolutions. We call upon the international community, especially the High

El Abadlah, 70 yrs; Abdel Hamid El Abadlah, 51 yrs; Faris El Abadlef, 19 yrs; and Mohaned El Aqad, 15 yrs.

Contracting Parties of the IVth Geneva Convention, to take a stand against these grave breaches of the Convention. And we call on them to take the necessary legal and practical steps to protect Palestinian civilians and their properties.

1 September 1999

The Centre issued press a release reporting that Israeli bulldozers continue their illegal activities in paving a settlement road adjacent to the settlements of Gadid, Gan Or and Pedolah. On 28 August 1999, Israeli soldiers and settlers enclosed with a barbed wire fence hundreds of dunams of Palestinian land between these settlements and the new road. It appears to be an attempt to expand these settlements from the Western side.

In another measure, on 26 August 1999, Israeli authorities notified the municipality of Khan Younis to remove its cabins from Khan Younis beach. According to the notification letter the municipality of Khan Younis had “illegally laid hands on the piece of land”. The Israeli authorities said they would remove the cabins today, 1 September 1999, if the municipality did not remove them first. The cabins are owned by the municipality and were established prior to 1967. For many years however, Israeli Authorities have prevented the municipality from repairing them. Recently the Israelis demolished one of the cabins, which was being used by the municipality as a lifeguard base.

Moreover, the press release mentioned that on 27 August 1999, Israeli settlers leveled a five dunam piece of land and established a by-pass road as a preparatory measure to annex this land to an Israeli military post in Tel Jinan, between the yellow areas of Khan Younis and Rafah (according to the interim agreements, yellow areas are under Israeli security jurisdiction and Palestinian civil jurisdiction, similar to B Areas in the West Bank.)

And on 30 August 1999, Israeli soldiers leveled a piece of land, estimated at 500 square metres, which is the private property of El Farra family. The land is close to the Israeli military post on the main road connecting the north and south of the Gaza Strip.

The press release added that in previous time Israeli authorities also leveled land near the Israeli military post at the entry of the road leading to the Gush Qatif settlement from the north. The fortifications of the post were strengthened by surrounding it with blocks of concrete. The military post in the west of Khan Younis was also fortified with new barbed wire. And a new military post was established adjacent to Neve Dekalim settlement. Thus the number of military posts in the Gaza Strip was increased to 48.

PCHR condemned in its press release the acceleration of Israeli settlement activities in the Occupied Palestinian Territories in general and in the Gaza Strip in particular. In fact, such illegal activities unveil the real face of the new government in Israel, which continues the policy and practice of previous governments. In addition, PCHR repeated its calls upon the international community, and the High Contracting Parties to the IVth Geneva Convention in particular, to take measures in accordance with their obligations under the Convention in order to protect Palestinian civilians and their property in accordance with Article 1 of the Convention.

6 September 1999

The Centre issued a press release on a new settlement attack in the middle area of Gaza Strip. The press release reported that Israeli authorities have recently accelerated attempts to confiscate more land in the Gaza Strip. On 25 August 1999 the settlers of Netzarim settlement established a 450 metre long water pipe from the settlement to a piece of land (estimated at 500 dunams) located to the south of the settlement. This act paved the way, in essence, to expand the borders of the settlement to the south. The Netzarim settlement is located to the north of the road connecting the Coastal Road and Salaheddin Street (the main central road through the Gaza Strip, connecting the north with the south).

The Netzarim settlement was established in 1972 as a military camp and the centre for the Shin Beit (Israeli General Intelligence Service), and ended up as a settlement of more than 40 Jewish families. The settlement constitutes a major tension point since it is located near a major road resulting in a high degree of potential contact with Palestinians, and frequent resultant clashes. Israeli authorities have repeatedly closed this major road, causing suffering to Palestinian civilians and restricting their freedom of movement.

Since the Oslo Accords, in 1994, Israeli authorities have repeatedly expanded the borders of the settlement. 300 dunams of land were annexed from the western side of the settlement, 150 dunams were annexed from the north, and 250 dunams were annexed from the south. A total of 700 dunams of land has been confiscated for the expansion of the settlement since the signing of the Oslo Accords. In addition the military post positioned on the western side of the settlement has also been expanded. Recently construction activities were witnessed in the settlement, including the construction of a Synagogue and 35 additional houses, all of which are still empty.

The Palestinian Centre for Human Rights reiterated in its press release its condemnation of Israeli settlement activities in the Palestinian Occupied Territories. Such activities are illegal according to international law and UN resolutions. PCHR once again calls on the international community in general, and the High Contracting Parties to the IVth Geneva Convention in particular, to take a stand against these grave breaches of the Geneva Convention, and to intervene to put an end to them.

22 September 1999

The Centre issued a press release on a further escalation of settlement activities in Gaza Strip. The press release reported that as the final status negotiations begin, the Palestinian territories are being subjected to aggressive activities by Israeli settlers who are protected in their actions by Israeli soldiers. The aim of these attacks is to change the geographical characteristics of the area, and to annex more of the Palestinian territories to Israel. On 16 September 1999, a group of settlers accompanied by Israeli bulldozers leveled twenty dunums of land located alongside *Al-Malalha* community in the east of Rafah Mawasi. These activities pave the road for the settlers to control the land in question, and to annex it to Gush Katif settlements.

At the same time, during the last week Israeli Military forces have carried out activities aimed at expanding a military installation in Gaza Strip. Towards this end, Israeli bulldozers have damaged one dunum of land planted with potatoes, located alongside the military installation on the western side. Also, during the last month, the occupation forces have carried out land leveling activities aimed at building a new settlement road connecting Gan Or, Gadid, and Bedolah settlements from the west.

The press release added that in an attempt to change the geographical characteristics of the area, the settlers steal sand from the areas alongside the settlements. The sand is used in settlement building activities, and in expanding the size of the planted areas in these settlements. Sometimes the sand is smuggled to the Israeli territories, or used to pave Palestinian land as an initial step towards controlling it.

At the beginning of this month, a group of settlers from Netzarim settlement (located to south of Gaza city), with support from Israeli soldiers, removed a large quantity of sand from the area located to the south of the settlement to inside the settlement. The sand is being used to continue building work inside the settlement. The building work started in 1989, and is aimed at increasing the housing units in the settlement in order to absorb new settlers.

The Palestinian Centre for Human Rights (PCHR) condemned in its press release the expansionist settlement policy pursued by Israeli Occupation forces, and reaffirmed its condemnation of Israeli policies aimed at changing the geographical character of the Palestinian territories. Such policies contradict and violate international law, and in particular the United Nation Resolutions. In this regard, PCHR repeat its call for the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to uphold their responsibilities and take actions against Israel's ongoing grave violations of the Fourth Geneva Convention.

11 October 1999

The Centre issued a press release on escalating settlement activities in the Gaza Strip. The press release asserted that the new settlement attacks came as a part of the ongoing settlement attacks carried out by the Israeli occupation forces against the Palestinian territories. An Israeli bulldozer, on 30 September 1999 excavated about 70 dunams of the land located at the border of Beat Sadah and Atsumanah settlements to the east of Rafah city in the area of Al Mawasi. About 300 meters of barbed wire, which separated the two settlements from the surrounding land, was removed. This land is considered governmental land planted and used by Abu Shaluf family. The excavation activities carried out by the Israeli Occupation forces are considered a primary step towards confiscating the land and annexing it to the settlements.

At another level, and within the context of its policy to worsen the conditions of Al Mawasi civilians, the Israeli Occupation Government, on 4 October 1999 ordered Mamo'on Al-la'ham to stop building a house for his family (which consists of ten people). Ala'ham had started to build the foundations of the house on an area of 110 square metres of Tabu land owned by him and connect Kfar Yam settlement (located at Khan Younis beach) and Neve Dekalim settlements.

In a subsequent step, on 10 October 1999, an official of the Israeli Governmental Properties Office, accompanied by an Israeli military vehicle, presented Sabri Al-Najar with notification to vacate an area of land of approximately 12 dunams located in Tel Jenan land (in the Mawasi of Khan Younis to the west of Neve Dekalim settlements). The official arrived while Al-Najar was working on the land to prepare it for planting and told him to stop working on the land and not to plant it, claiming it as governmental land subject to the Israeli jurisdiction. It is worth mentioning that on 7 October 1999, Israeli settlers built a road along the northern side of the above mentioned land with the aim of annexing it to the land already controlled by them, in this case an area of approximately 200 dunams.

This intensive settlement escalation reflects the reality of the new Labour government in Israeli, which does not differ in essence from the previous government headed by Netanyahu.

The Palestinian Centre for Human Rights condemned in its press release the policy of settlement expansion pursued by the Israeli occupation forces, a policy which is contrary to, and which constitutes a grave breach of international laws and United Nation General Assembly resolutions which consider the existence of these settlements illegal and demands their elimination. PCHR repeats its request to the international community, and particularly the High Contracting Parties to the IVth Geneva Convention to take all necessary actions to fulfil their responsibilities regarding Israel's grave violations of the Convention, and to bring and end to those violations.

14 October 1999

The Centre issued a press release on what was described as the "*largest land confiscation by Israeli Settlers in the Gaza Strip since the new Barak Government*". The press release explained that at a time when the government of Israel is claiming it intends to remove some settlement outposts in the West Bank, the Israeli Occupation forces are starting an intensive settlement wave in the Gaza Strip. This wave is considered the most significant since the signing of the Cairo Agreement on 4 May 1994.

Since Tuesday 12 October 1999, Israeli settlers have been erecting an electric barbed wire fence around land located in the Al Mawasi area (between Rafah and Khan Younis city). The land in question is approximately three kilometres in length (north to south), and about 700 metres in width (west to east). The total area involved is approximately 2000 dunams.

This new settlement activity comes within the context of expansion of many of the settlements located in the south of the Gaza Strip, particularly at Gadid, Gan Or, Bodolah, and Atsumonah settlements. Settlers accompanied by workers and bulldozers, and with the support of Israeli occupation forces, are digging up trees planted on this land. This continues and escalates the activities that have been carried out by settlers and Israeli occupation forces over the past month. In particular it follows on from the construction of a three-kilometre long sand road (see PCHR Press Release of 25 August 1999).

The press release explained that this new settlement escalation dangerously threatens the environmental situation in Gaza, since the land involved was planted with trees two years ago as part of a conservation project. This land is central to the environmental planning and regional development in the Gaza Strip.

In its press release, PCHR restated that Israeli settlements, land confiscation and all measures to change the geographical character of the Occupied Palestinian Territories are illegal and must be immediately reversed.

19 October 1999

The Centre issued a press release on the continuation of land confiscation in the Gaza Strip. The press release reported that with the formal support of the Israeli government for the expansion of settlements in the Palestinian Territories is evidenced by the decision of the Israeli Knesset to approve the building of 22 housing units in Nefi Deraliim settlements, located to the west of Khan Younis camp in the Gaza Strip.

The settler's bulldozers, with the support and the protection of the Israeli military soldiers have been excavating the lands of the Mawasi of El Qurara in Khan Younis governate since 14 October 1999. The land involved is about 1500 dunnam in size, and is located alongside, and to the west of, Katif and Netzaer Hazani settlements.

This follows action taken by settlers in the last year to control about 500 dunnam from the above-mentioned land. In June 1999 they surrounded it with barbed wire fences and built about 20 greenhouses on the land, the last of which was built last week.

These activities are part of the recent dramatic and intensive wave of settlement activities carried out by Gush Qatif settlers in the Gaza Strip, since the Labour party, under the leadership of Barak, came to power. This wave of activities aims to control more of the Palestinian Territories and to build new settlement units. The total amount of land which has been taken control of by settlers in the south of the Gaza Strip since Barak took power is approximately 3500 dunnam.

PCHR reaffirmed in its press release its condemnation of Israel's expansionist settlement policy. A policy which is illegal under international law, particularly the IVth Geneva Convention. In this regard, PCHR calls upon the High Contracting Parties to the Convention to take all necessary measures to stop the settlement attacks against the Palestinian Territories in compliance with their obligations under the Convention.

9 November 1999

PCHR issues a further press release on settlement activities in the Gaza Strip. The press release reported that settlers have continued their intensive wave of activities aimed at controlling more Palestinian land by expanding established settlements and establishing a new settlement out post. For the past five days, the settlers, under the protection and backing of the Israeli occupation forces, have been carrying out widespread excavating activities in the area located to the south of Ganei Tal settlement, to the west of El Amel Camp in Khan Younis. The area of land being excavated is, according to PCHR's field reports, approximately 100 dunnam.

Meanwhile, in the Gush Katif settlements there has been an intense effort to build greenhouses within the settlement area. During the last month 30 greenhouses, each of which is about 2 dunnam in size, have been built. Moreover, the Israeli regional electricity company workers have established a high-pressure electricity network on land from Mawasi Al Garara. The excavation of this land last month created difficulties for Palestinian farmers in accessing their land in the area in order to plant it.

In a following step, on 5 and 7 November 1999, the settlers completed the construction of a dirt road surrounding about 163 dunams of land allocated alongside Peat Sadeh settlement. The land was surrounded in order to pave the way to annex it to the Peat Sadeh settlement from the north. The land in question is part of Rafah Mawasi, a Yellow Area.

Noticeable and intensive settlement activities are taking place in the Gaza Strip, particularly in the last six months. PCHR has published many press releases in this regard.

PCHR condemns the expansionist settlement policy adopted by the Israeli occupation authorities and reaffirms that this policy contradicts international law and United Nations General Assembly resolutions. PCHR repeats its call for the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to take seriously their responsibilities to end these Israeli crimes in the OPTs.

21 November 1999

PCHR issued a press release regarding a closure imposed within the Gaza Strip by settlers and Israeli occupation forces. The press release reported that this morning, 21 November 1999, settlers, under the protection and with the support of Israeli soldiers, closed the two major roads leading to the Mawasi area, west of Rafah and Khan Younis in the south of the Gaza Strip. Palestinian civilians were denied access into or out of this area. Hundreds of students were unable to attend school, farmers and fishermen were denied access to their places of work, and teachers were unable to get to the schools where they teach.

The closure of the Mawasi area is apparently reaction to Palestinian workers decision to boycott work in Israeli settlements. Almost 3000 Palestinian workers boycotted work in settlement areas as a protest at settlement activities in the Gaza Strip.

It is worth mentioning that settlement activities and provocative measures by Israeli soldiers and settlers against Palestinian civilians in the Gaza Strip have escalated markedly in the past months. On 14 November 1999, the settlers excavated about 10 dunams of land from a plantation of trees with a total area of 100 dunams. This plantation is located in the Al Mawasi Rafah area, alongside and to the south of Beat Sadah settlement.

PCHR condemns the collective punishment policy adopted by the Israeli occupation forces against Palestinian civilians and repeats its call for the international community, particularly the High Contracting Parties to the Fourth Geneva Convention, to fulfill their obligations in relation to Israel's grave violations of the Convention, and to take all necessary and legal measures to protect Palestinian civilians and their property.

23 November 1999

PCHR issued a press release about house demolitions. This morning, 22 November 1999, Israeli occupation forces demolished six Palestinian houses in the area under Israeli control in Khan Younis. At 1.00am an Israeli force of about 200 soldiers, accompanied by about 30 military bulldozers and vehicles, closed the area and demolished the six houses. The houses were located 150 metres to the east of an Israeli military installation (El Noriah). The houses demolished were built by civilians from Khan Younis camp on Palestinian governmental land. They were built in the context of a severe housing crisis in the area, and of extreme Israeli restrictions on building in the areas under their control.

The demolitions took place without prior notice. This step comes at the same time as the escalation of other violations against Palestinian civilians in the Gaza Strip. These include the closure of the roads leading to the Mawasi area yesterday, as a result of which Palestinian civilians were denied access to enter or leave the area.

In a related step the Israeli occupation forces closed the Sofa crossing point into the Gaza Strip (located to the north-east of Rafah City). This closure prevented Palestinian trucks carrying building supplies from entering the Gaza Strip.

PCHR strongly condemns the house demolition policy adopted by the Occupation forces against Palestinian civilians. Moreover PCHR calls on the international community, particularly the High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations in relation to Israel's grave violations of the Convention, and to take all necessary and legal measures to protect Palestinian civilians and their property.

13 December 1999

The Center issued a press release on the continuation of settlement activities in the Gaza Strip. The PCHR fieldworkers documented settler bulldozers, with the protections and support of the Israeli Occupation Forces, excavating and opening a new settlement road. These activities took place on December 9th 1999. The road surrounds land with a size of 350 dunams in Khan Younis Mawasi. This activity paves the way to annex the land to Neve Dukalem settlement. On the 12th of December 1999, settler's bulldozers in a similar step, with the support of Israeli soldiers, opened a new settlement road. The road surrounds approximately 500 dunams of land. The opening of the new road paves the way to expand Gush Katif on the Western side.

The PCHR, in its press release, reiterated its condemnation of the settlement expansion policy adopted by the Israeli Occupation Forces in direct opposition to international law and the relevant UN General Assembly Resolutions. PCHR repeated its call upon the international community, particularly the High

Contracting Parties to the Fourth Geneva Convention, to fulfil their obligations and intervene to stop the Israeli violation of the Convention.

(4) The Excessive Use of Force and Extra-judicial Killings

During 1999 the Israeli occupation forces continued using excessive force against Palestinian civilians in the OPTs.⁴² Although this year witnessed a notable decrease in the number of Palestinians killed by Israeli occupation forces in comparison with 1998, this year was characterised by unique cases. In most of the fatal cases in 1999, the victim did not constitute any real threat on the life of an Israeli soldier. Most of them were killed in cold blood. For example, on 25 October 1999, Israeli soldiers shot a Palestinian and killed him after they had confirmed his identity. In another case, on 1 October 1999, Israeli police forces shot a Palestinian from Jerusalem, leading to his immediate death, and injured his companion. The two Palestinians were shot after they had complied with the police order to raise their arms.⁴³

The best proof of the use of excessive force by Israeli soldiers against Palestinian civilians is the events which took place in the OPTs during the Palestinian Day of Anger, on 3 June 1999, when Palestinian civilians organised a peaceful demonstration in various areas of the OPTs protesting the Israeli policy of land confiscation and settlement expansion.

⁴² The occupation forces fire not only against Palestinian civilians, but also against Palestinian police. On 21 July 1999. In an incident which could have led to a confrontation between Israeli soldiers and Palestinian police, like the clashes of September 1996, an Israeli soldier at the intersection of the road leading to the Netzarim settlements in the centre of the Gaza Strip, shot at a Palestinian policeman working to control traffic at the intersection. The incident took place after a group of settlers protested against the way in which the Palestinian policeman was directing the traffic, and urged the Israeli soldier to shoot him. Soon, one of the Israeli soldier's colleagues succeeded to withdraw him from his position in order to prevent any confrontation between the two sides. The Palestinian policeman was not injured.

⁴³ There have been hundreds of similar cases during the years of the Israeli occupation of the Palestinian Territories in which a Palestinian was killed in cold blood. In most of these cases, the facts are hidden and ignored and the person accused of the killing is found innocent while innocent parties are convicted. Moreover, in most cases, the killer is promoted. For example, the Prime Minister Ehud Barak has nominated the Major General Amos Yaron for a position of Director General of the Israeli Ministry of Defense. Yaron is one of people responsible for the Sabra and Shatilla massacre, which involved the killing of about 3000 Palestinian civilians from Sabra and Shatilla refugee camps in Lebanon in 1982. During 1999, the Israeli Primary Court found the settler Haim Cormann innocent of the murder of the child Abu Shusheh. The Court held that the settler was trying to help the child when the child was unconscious. Cormann, who is one of the guards for a settlement near Bethlehem, killed the child Halmi Shusheh, 10 years old from Husaan village, when he was pursuing a group of children who threw stones at his vehicle. He killed the child with the back of his gun. Moreover, the Israeli investigation concerning the killing of the child Ali El Jawarishi, from Bethlehem, in 1997, concluded that the shooting of the child was legal and normal, having taken place in accordance with the instructions given to the soldiers.

During these events the occupation forces shot a Palestinian inside his car near "Suisan" settlements south of El Dahria and El Smouh villages, while he was travelling to his work in Israel. This led to his immediate death.

Moreover, occupation forces shot civilians gathering in different areas of the West Bank and the Gaza Strip which led to many injuries.⁴⁴ Similarly, many civilians were injured during the events that took place in the Bethlehem area on 27 October 1999 during the delivery for burial of the body of Musa Hliyal.

Finally, in an excessive, inhumane and illegal assassination operation, the occupation forces demolished by missiles a Palestinian house in Beit Uwa' village in Hebron on 13 December 1999, killing two Palestinians and injuring others.

During 1999 the Israeli occupation forces were responsible for the deaths of 13 Palestinians, one of them from the Gaza Strip who died as a result of injuries received during the Intifada. The other twelve were from the West Bank (among them a Palestinian from Nablus died as a result of injuries received ten years ago). Also amongst those killed was a child of 13 years who died after a landmine exploded, killing him and his friends.⁴⁵ Another elderly man, 72 years of age, was injured after he was hit by an Israeli military vehicle driving at excessive speed.

Palestinians Killed by the Israeli Occupation Forces in 1999

- 1. Mahmoud Hassan Abu Hajar (17 years old from Gaza)** Israeli occupation forces shot him during clashes between Palestinian civilians and occupation forces during the Intifada on 4 February 1994. He died as a result of his injury on 27 February 1999.
- 2. Badir Haider El Qawasma (26 years old from Hebron)** Israeli occupation forces shot him on 6 January 1999, with four bullets in his abdomen. He was transferred to Hadassah Hospital in Jerusalem where he died as a result of his injuries. The Israeli soldier, at the time, claimed that El Qawasma tried to attack the soldiers with a gun. But it was later discovered that the gun held by El Qawasma was only a plastic toy.

⁴⁴ During 1999 hundreds of Palestinians were injured by live and rubber ammunition, and tear gas. On 10 April 1999, Israeli naval forces shot at a Palestinian fishing boat in the area specified for fishing out from Khan Younis coast, injuring the fisherman Mahmoud Musa El Sharief (28 yrs from Khan Younis) who was hit by two rubber bullets in his right arm and right leg. Moreover, the fisherman Sa'id Saleh El Bardwiel (25 yrs from Khan Younis) was superficially wounded in his head. On 3 June 1999, six civilians from the Gaza Strip were injured near Netzarim intersection. Amongst them, two were injured by rubber bullets when they were fired upon by Israeli soldiers.

⁴⁵ In 1999 a number of Palestinian children were injured by the Israeli occupation ammunitions. In a number of cases the injury led to permanent disability, such as in the case of Fadi Faraj Mreesh, 11 years old, from Jerusalem, who was injured by rubber bullets fired by Israeli soldiers while he was walking in El Shalaleh Street on 16 June 1999. According to doctors from Hadassah Hospital, the child may be permanently unable to walk as a result of his injuries.

3. **Zaki Nour El Dien Abied (28 years old from El Asawyah in Jerusalem)** Israeli soldiers shot him on 28 January 1999, with a number of rubber bullets in his head and throat. He was transferred to hospital where he remained clinically dead for two days before dying. Abied was shot above his house during clashes in the village as a result of the occupation forces' demolition of the home of one of the Palestinians in the village.
4. **Hamadi Khalif Radwaan (72 years old from Azoon in Qalqalya)** An Israeli military vehicle hit him on 30 April 1999 while being driven at excessive speed on the bypass road connecting Azoon and Qalqalya. He died from the resulting injuries.
5. **Ala' Yusef Abu Sharikh (20 years old from El Daharya in Hebron)** On 3 June 1999, the Palestinian Day of Anger, Israeli soldiers near Susieh settlement to the south of El Samouh and El Daharya shot him with live ammunition through his abdomen, the bullet entered his back and exited from his stomach. Ala' was a passenger in his friend's car on their way to their work in Israel at the time of the shooting.⁴⁶
6. **Adam Hassan El Halees (13 years old from Yata in Hebron)** He died on 22 June 1999 after he was injured by the explosion of a suspicious object remaining from the Israeli occupation in El Berka area to the west of Yata village where he was playing with a group of his friends.
7. **Mitaqal Rabah El Amour (16 years old from Yata in Hebron)** He died in the aforementioned incident. Due to serious injuries to his legs and fingers, before his death, in an attempt to save his life the doctors were forced to amputate his legs and some of his fingers.⁴⁷
8. **Akram Ismail Alqam (22 years old from Bethlehem)** On 10 August 1999, he was shot by the Israeli police during his attempt to hit a group of Israeli soldiers with his car on the Jerusalem-Bethlehem road. He seriously injured the soldiers.
9. **Mohammed Hashim El Khatib (29 years old from Beit Iba in Nablus)** He died on 27 August 1999 as a result of injuries he received after being shot by Israeli occupation soldiers during clashes in the village in 1989.

⁴⁶ An eyewitness claimed that the Israeli soldier intentionally shot Ala' and his friend after hiding himself behind a rock some distance from the military border. An Israeli source claimed that the soldier shot the Palestinians after they refused to comply with the soldier's orders to stop at the checkpoint. The initial investigations carried out found that the soldier left the military installation without permission from his commanding officer and went to the El Samouh area with the aim of killing Palestinians. According to the data derived from a citizen the soldier wanted to retaliate against Palestinians because he had a relative killed by a Palestinian from Durah. After a speedy trial the soldier was sentenced to one month in prison.

⁴⁷ Dozens of Palestinian civilians in the West Bank and Gaza Strip die, or are seriously injured as the result of the explosion of landmines, which remain from the Israeli occupation forces.

- 10. Khader Saleh Badran (26 years old from Bado in Ramallah)** He and his friend were shot by Israeli police on 1 October 1999 leading to his death. An Israeli police force was pursuing the car of these two Palestinians on the road to Jerusalem, and shot at the wheels of the car causing the car to crash into an electricity pole at the side of the road. This forced the two Palestinians to get out of their car, holding their hands above their heads. But the police surrounded them and one of the police officers approached them and shot five bullets into Khader Badran's back from a distance of 5 metres. The police did not provide any medical assistance and Khader died from his injuries. The second Palestinian tried to escape through a nearby wall but the police officer shot him also and injured him in his thigh. He was arrested.
- 11. Musa Khaleel Abu Hlyiel (22 years old from Bethlehem):** He was shot by an Israeli soldier near the Tomb of Rachel in Bethlehem on 25 October 1999 after calling him over and checking his identity. He was shot in the abdomen with live bullets. The Israeli soldiers did not provide him with medical assistance, and did not allow a Palestinian ambulance to transfer him to hospital. The body of Abu Hlyiel has been transferred to the forensic institute in Israel.
- 12. Iyad Ali El Batat (23 years old from El Dahryaa):** On 13 December 1999, Israeli occupation forces fired bullets and missiles into a house in Beit Auwa' in Hebron, killing El Batat.⁴⁸
- 13. Nadir Nimer El Masalmah (30 years old from Beit Uwa'):** He was killed by Israeli occupation forces in the above incident.

Press Releases on the Excessive Use of Force by Israeli Forces

21 July 1999

The Centre issued a press release on the injury of thirteen Palestinian teenagers by Israeli Soldiers. The press release reported that on 20 July 1999, Israeli soldiers opened fire against a group of Palestinian youth and injured 13 of them with “rubber bullets.” The shooting took place at about 11:30 a.m. when dozens of Palestinian teenagers demonstrated near an Israeli military post close to Netzarim settlement, to the south of Gaza City. The youth were protesting settler activities in the area. Eyewitnesses informed the Palestinian Centre for Human Rights (PCHR) that the Israeli soldiers fired at the demonstrators, injuring 13 of them with “rubber bullets.”

The press release pointed out that this is the second incident in the area within six weeks. On June 3, 1999, Israeli soldiers in the very same location fired rubber

⁴⁸ Regarding this incident see PCHR's press release below.

bullets at six Palestinians who were participating in a peaceful march to protest settlement activities.

The 18 Israeli settlements and more than 50 military posts and checkpoints in the Gaza Strip are a major threat to stability in the region; they are a source of continuous tension between Palestinian civilians and Israeli soldiers and settlers.

PCHR reiterated in its press release its appeal to the international community to secure protection for Palestinian civilians against illegal Israeli activities. Moreover, PCHR also stated again its demand that the High Contracting Parties to the Fourth Geneva Convention take the necessary measures to ensure respect for the Convention in the Occupied Palestinian Territories.

10 November 1999

The Centre issued a press release in which it criticised the Israeli Deputy Minister of Defense' statements regarding extra-judicial killing of Palestinians. The press release reported that in his statement before the Knesset on 2 November 1999, in relation to a military operation against Israeli settlers apparently carried out by Palestinians, Efraim Sneh stated that the people responsible for the attack would not live more than a year. He promised that those people would be found, arrested and killed.

PCHR asserted that the statements released by Efraim Sneh, Israeli Deputy Minister of Defense, cannot be interpreted other than as evidence of the continued intention of the Israeli military establishment to carry out extra-judicial willful killing of Palestinians. Moreover, they reflect the attitudes of consecutive Israeli governments and the Israeli security establishment towards Palestinians, especially during the years of the Intifada. Attitudes which have resulted in the extra-judicial killing of hundreds of Palestinians.

The press release added that the statement also recalls what is known as the 'Bus 300 Affair', in which Ehud Yatom, a member of the Israeli General Security Service testified to Yediot Ahronot (a widely read Israeli newspaper) on 26 July 1996 that he had been involved in the killing of both Sobhi and Magdi Abu Jame'a after they were arrested in the aftermath of kidnapping an Israeli bus in 1984. In the interview Yatom confessed that after the kidnappers were arrested he received orders from the head of the GSS at the time, Abraham Shalom, to kill them and that he carried out the order himself. At the time of the deaths, Yatom was pardoned by the Israeli president Chaim Herzog, after he gave false testimony before committees formed to investigate the case. In 1996, instead of taking legal actions against Yatom in light of his confessions to the newspaper, former Prime Minister Benjamin Netanyahu appointed him as his deputy advisor for terrorist affairs.

The press release reported that a marked deterioration in the excessive use of force by Israeli soldiers against Palestinian civilians had been witnessed in 1998.

In circumstances that posed no threats to their lives, Israeli soldiers fired live ammunition at Palestinians who participated in peaceful marches and demonstrations. In some instances soldiers fired at civilians even in quiet situations. As when, for example, they fired against a Palestinian vehicle carrying workers on 10 March 1998. Three workers were killed and five were wounded.

In another incident a special force from the Israeli army assassinated two wanted Palestinians, Imad and Adel Awadalla, on 10 September 1998. During 1998, a total of 34 Palestinians were killed, 23 by the Israeli army and 11 by Israeli settlers.

The press release expressed PCHR's deep concern that the statements by the Deputy Minister of Defense could lead to an increase in the excessive use of force and extra-judicial killing against Palestinian civilians. PCHR reminds the High Contracting Parties to the Fourth Geneva Convention of their legal duties in accordance with the Convention, and demands their immediate intervention to stop these crimes, and to take legal action against the perpetrators and those who incite these actions.

15 December 1999

The Centre issued a press release on the killing of two Palestinians by Israeli soldiers. The press release stated that in a further escalation in the excessive use of force by the Israeli army, Israeli soldiers killed two Palestinians on the evening of 13 December 1999. The shooting took place in the village of Beit Awa near Hebron. The Israeli army claimed that the two Palestinians were affiliated to the military wing of the Islamic resistance movement Hamas and were wanted by Israeli security. They also claimed that the soldiers fired towards them after they had first opened fire against Israeli soldiers.

Eyewitnesses in the area testified that Israeli soldiers shot live ammunition and missiles towards a Palestinian house in the village without any provocation. Iyad Battat and Nadir Masalma were killed as a result of the shooting. This operation comes six weeks after a statement made by the Israeli Deputy Minister of Defense, Efraim Sneh, declaring that "terrorists" would be arrested and killed, and giving them an ultimatum of one year to live. Sneh made this statement before the Knesset on 2 November 1999 in reaction to a military operation apparently executed by Palestinians against settlers in Hebron (the perpetrators remain unidentified).

In a press release issued on 10 November 1999 the Palestinian Centre for Human Rights stated that the statement made by the Israeli Deputy Minister of Defense could only be interpreted as an insistence on the part of the Israeli military establishment to carry out extra-judicial killing against Palestinians.

PCHR reiterated in its press release its condemnation of such practices, and all forms of excessive use of force perpetrated by the Israeli army against Palestinians. This incident brings the death toll of Palestinians killed by the Israeli

army in 1999 to 13. PCHR once again calls upon the High Contracting Parties to the Fourth Geneva Convention to intervene immediately to end such grave breaches of the Convention and to ensure protection for Palestinian civilians in the Occupied Palestinian Territories. Concerning the claims made by the Israeli army about the operation, which are contradicted by eyewitnesses, PCHR calls for the formation of an international committee to investigate this incident.

(5) The Practices of the Israeli Navy Against Palestinian Fishermen

During 1999, the Israeli Navy continued its violations of the rights of Palestinian fishermen, thus depriving them of their basic right to work. Approximately 2,600 Palestinians earn their livelihood through fishing or maintaining the equipment associated with fishing. These 2,600 fishermen are distributed in different areas throughout the Gaza Strip, and use approximately 750 fishing boats.

According to the Palestinian-Israeli Interim Agreements signed in May 1994 and September 1995, the Palestinian fishermen have the right to go to sea for 20 nautical miles from shore. The Israeli government, in a decision violating this right, decreased the distance and imposed a sea closure on 8 March 1996. On 11 March 1996, the Israeli authorities announced an easing of the closure and allowed the fishermen to go to the sea up to only six nautical miles. This was increased to 12 nautical miles on 22 March 1996. From that date, the Palestinian fishermen have not been allowed to go out to sea as far as was agreed between the Palestinian and Israeli sides. 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 Navy forces, while trying to carry out their only source of livelihood. The most prominent of these violations are:

1. On 9 March 1999 an Israeli Navy vessel prevented the Palestinian fishermen from working and ordered them to return back to the beach.
2. On 2 April 1999 the Israeli Navy forces arrested the Palestinian fisherman Akram El Masarah and his brother Anwar as they were fishing within the permitted area out from Dier El Balah coast. The two fishermen were released hours after their arrest.
3. On 9 April 1999 the Israeli Navy forces ordered the fishermen in front of Rafah coasts to leave the sea without reason, although the fishermen were located in the area permitted.
4. On 10 April 1999 the Israeli Navy forces fired against a Palestinian boat located in the permitted area in front of Khan Yunis coast, and injured two fishermen.

5. Since the beginning of December 1999, the Israeli occupation forces have prevented the export of Gazan fish to West Bank, leading to disastrous economic losses for the fishing sector.
6. The owners of fishing boat are still facing difficulties and restrictions on their movement between Gaza Strip and Israel in order to buy the necessary equipment for maintaining and repairing their boats.

Press Releases on the practices of the Israeli Navy against Palestinian Fishermen.

10 April 1999

The Centre issued a press release on the Israeli Navy opening fire on a Palestinian boat, injuring two. The press release explained that on 10 April 1999 Israeli Navy forces fired at a Palestinian fishing boat and injured two Palestinian fishermen. They were transferred to Khan Younis Hospital where they underwent medical treatment. The incident took place at around 7:00 a.m. Saturday, 10 April, when an Israeli Navy force opened fire against a Palestinian fishing boat carrying 10 fishermen who were fishing near the Khan Younis beach (within the permitted fishing zone). Mahmoud Moussa Al-Sharif, 28 years old from Khan Younis, was shot in the arm and thigh. Said Saleh Al-Bardawil, 25 years old from Khan Younis, was slightly injured by a bullet that grazed his face.

The press release mentioned that PCHR is very concerned over the increase in such cases involving the Israeli Navy and its ongoing excessive use of force against Palestinian fishermen. These cases include arresting Palestinian fishermen, capturing Palestinian fishing boats, sealing off the fishing zones, and attacking wharves in areas under Israeli security control in Gaza (Rafah and Khan Younis wharves). PCHR believes that this is a systematic Israeli policy against Palestinian fishermen aimed at putting a stranglehold on more than 2,500 Palestinian fishermen who earn their livelihood from this profession. PCHR believes that these Israeli practices constitute a violation of Palestinian economic and social rights in the Occupied Palestinian Territories.

(6) A Report on the Israeli Violations in the Yellow Areas

In 1999, the Palestinian Centre for Human Rights (PCHR) published a new report titled "The Bitter Life: A Report on Israeli Human Rights Violations in the "Yellow" Areas in Gaza Strip". The report focuses on the areas in the Gaza Strip designated as Yellow areas under the Interim agreements. It discusses the daily social and economic difficulties faced by Palestinian citizens as result of Israeli human rights violations in these areas.

The report discusses the status of these areas in the Interim agreements signed between the P.L.O, and the Israeli government. In this regard, it shows the most important obstacles resulting from these agreements, which negatively influence the social and economic development in these areas. The report investigates in detail the extremely difficult social and economic conditions faced by Palestinian civilians in these areas .

Moreover, the report documents the human rights violations perpetrated daily by Israeli military and settlers against Palestinian civilians in these areas. These violations include confiscation of land and geographic isolation resulting from Israeli closure of roads leading to certain areas. Israeli violations also include destroying Palestinian agricultural land, closure of entire areas, and uprooting or damaging plants and trees, all in an effort to prevent the development of a social and economic infrastructure and to make the life of Palestinian civilians miserable.⁴⁹

In addition, the Israeli settlers in Gaza pursue provocative policies against Palestinian civilians and threaten their personal security and safety. These settlers are protected in their actions by Israeli security forces. Settlers' practices include aggressive physical assaults and even hit and run accidents involving cars driven by settlers along the main roads next to Israeli settlements. Palestinian civilians also face arrest by Israeli soldiers at military checkpoints near settlements.

The report concluded that the Interim Agreements signed between the P.L.O and the Israeli government contributed to establishing the miserable conditions in the Yellow areas since they gave security control to Israel and left the Palestinian Authority marginalized, with limited civil powers. Accordingly, Israel has been given free hand to take a variety of measures to implement their vision for controlling and judaizing the areas.

⁴⁹ During the year of 1999 the Israeli forces demolished a number of houses in El Mawasi areas. In addition, the Israeli forces served notices of demolition to a number of families. On 18/2/1999 the Israeli forces demolished a number of sheds made of palm trees and used by farmers for resting, or for storing vegetables. On 6/6/1999 the Israeli forces prevented the completion of building a wall for the cemetery located near Nafih Dokaliem settlement to the west of Khan Younis. On 15/7/1999, the Israeli forces demolished a tent on Rafah beach located 70 meters away from a military installation. On 23/8/1999 a number of Palestinian civilians received notices from the Israeli forces informing them of the intention of the occupation forces to demolish their houses, located to west of Khan Younis. Until now these houses have not been demolished. On 26/8/1999 the Israeli authorities instructed the municipality of Khan Younis to remove the cabins owned by the municipality and established before the Israeli occupation in 1967. Since the occupation, Israeli occupation forces have prevented the repair of these cabins, and recently demolished one of them, and rebuilt another to be used by its seamen. On 4/10/1999, the Israeli forces ordered Mamo'on El Laham to stop construction of a house for his family (ten persons) on his land, which is located beside Kiffar Daroum. On 23/11/1999, the occupation forces demolished six houses under construction, located to the west of Khan Younis.

The report calls for utmost attention to be paid to the Yellow areas, on both the governmental and non-governmental level and that all efforts be made to support the Palestinian civilians of Mawasi.

Part 2: PROMOTING THE RULE OF LAW AND DEMOCRACY IN AREAS UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY

(1) Palestinian Security Forces Continue Illegal Arrests of Citizens

In spite of the decrease in the total number of citizens arrested by Palestinian security forces in 1999 compared to 1998, the Palestinian security forces continued during 1999 to arrest citizens for political reasons. During the year 1999, 300 citizens were arrested compared with 400 citizens in 1998. Those citizens may be arrested for several hours or for an indefinite period. Although the PNA does not announce the number of prisoners in its prisons and detention centres, this number is approximated to be 100 at the end of 1999. Among them are dozens who have been held since 1996.⁵⁰

These arrests normally take the shape of waves in which many citizens are arrested at the same time based on a list of names. Some times these arrests take place within the context of PNA's security obligations toward Israel in the signed agreements between the two sides, and other times it takes place as result of political and security events, such as the search for people wanted by the Palestinian security forces. Other times the PNA arrested national and party figures due to their political opinions, or to their criticisms of the PNA. Most of the arrest waves are aimed at the leadership and supporters of the Islamic movements that oppose the peace process and interim agreements with Israel. 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 position. On more than one occasion the Palestinian security forces arrested journalists due to their journalist work.⁵¹ In addition, the Centre received during 1999, complaints about the arrest of citizens due their relation to people wanted by the Palestinian security forces.⁵² Moreover, the Centre received complaints about the arrest of two children in separate incidents.

⁵⁰ Among these prisoners are about 80 Hamas supporters.

⁵¹ See for example PCHR's press release on the arrest of Dr. Ghazi Mamd, head of El Risallah newspaper, and two of his colleagues, page 82 of this report.

⁵² During February 1999, the preventive security forces arrested four members of El Arabied family to interrogate them about one of the family's member who is wanted by the Palestinian and Israeli forces equally. And on 12/2/1999 the General intelligence forces arrested the child Bilal Yihya El Ghouli to interrogate him about his father who escaped from Gaza Central prison. The child was released on 7/3/1999. The child testified that he was beaten and subjected to torture during his detention. On 9/11/1999, the preventive security forces arrested Mohammed Saleh Tahah, 63 years old from El Biriej camp, and his son Abedallah Mohammed Tahah, as result of the escape of the family member Yasser Mohammed Tahah during an attempt by the preventative security forces to arrest him on the same day. And on 25/12/1999, the preventive security forces also arrested the second son Ayman Mohammed Tahah, 30 years old, from his house, for same reason.

Most of the waves of arrests are 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 faced with any clear charges. In addition, the detainees were denied their right to have a defense lawyer and a fair trial. In a few cases the arrest of the individual continues despite an order from the High Court for their release. This in itself is considered a dangerous challenge to the rule of law, judicial independence, and human rights standards.⁵³

The most important arrest waves that were carried out by the security forces in 1999 were as follows:

1. On 1 February 1999, nine individuals from El Briej camp were arrested as result of their participation in opposition demonstrations which took place in the camp after the Palestinian police forces laid siege to the camp in order to arrest some members of the Islamic Jihad, who are wanted by the Palestinian security forces. Eight of them were released after four days of arrest, while the remaining one was released on 22 February 1999.
2. On 1 February 1999, more than 30 citizens from Rafah were arrested as result of the death of Rifa'at Juda, chief in the preventative security forces, after an exchange of fire between the Palestinian police and three armed individuals. It is thought that the three individuals are working in one of the Palestinian security forces. Widespread searching, forced entry, and confiscation of computers accompanied the arrests. In addition, women in the houses searched were subjected to insults by the Preventative security forces that carried out the arrests. Most of the prisoners were released during the same month.
3. On 12 February 1999, 12 citizens from El Tawaam and Amer Project to the west of Jabalyia, were arrested, and released after two days. All these arrested work inside Israel, and their arrest took place simultaneously with the withdrawal of their work permits, preventing them from working inside Israel for a month. On 13 February 1999 five citizens from the same family were arrested for the same reasons. They were released between 27 February 1999 and 9 March 1999. On 27 February 1999 three employees of the Islamic University were also arrested for the same reasons.
4. On 4 March 1999, Palestinian police detained the members of the political bureau of Al Khalas Islamic National Party during a meeting of the political bureau. The arrest of the Al Khalas Party bureau took place after the party issued a press release criticizing the State Security Court's charge of three young people accused of killing Rifa'at Juda.⁵⁴ The press release stated that the party considered the court to be politically motivated,

⁵³ See page 115 of this report on the non-implementation of the court's decisions. For particular examples see pages 116-117 regarding the concerned press releases.

⁵⁴ For more details see page 108 of this report

and lacking the basic requirements for a fair trial. Previously that day El Tiyab Abed El Rahiem, the presidential secretary general, had sent a fax to the party asking for clarification of some of the statements in the Party's press release. The members of the political bureau were released at 3:00am on the day after, except Dr. Ghazi Hamd, the spokesman of the Party, who was moved to the preventive security forces premises in Gaza. Previously, the Palestinian police had summoned Dr. Hamd and asked him not to publish the mentioned Party's press release in El Risallah newspaper, the paper published by the party, and had threatened to close the newspaper. Although the press release was not published in the El Risallah newspaper, the police continued to hold Dr. Hamd until 7 March 1999.

5. On the same day the General Intelligence summoned and arrested a number of El Khalas Party's territorial leaders from different areas in the Gaza Strip. Ten of them were moved from the branch premises to the El Mashtal Detention Centre of the Intelligence forces. The Centre was informed that a meeting was held on 9 March 1999 between Al Tatyab Abed El Rahiem, the presidential secretary general, and Al Khalas Party's bureau, and that all the detainees were released after that meeting.
6. On 10 and 11 March 1999, more than 20 citizens were arrested by the criminal investigation unit and the naval police as result of clashes which took place in Rafah city after the State Security Court sentenced to death the citizen Rai'ed El Attar who was charged with being involved in killing of Rifa'at Juda.⁵⁵ The detainees remained under detention until 25 March 1999, when all of them were released. A number of these detainees informed the Centre that they were subjected to insults, and their heads were shaved.
7. During the period of 22 May to 2 June 1999, the General Intelligence forces carried out arrest waves against the supporters of Hamas movement in different areas of Gaza Strip. The wave led to the arrest of about 40 citizens. The arrests took place after the Palestinian security forces arrested two wanted citizens. By the end of July 1999 most of them were released.
8. On 6 August 1999 the Palestinian police arrested Ismaeil Abu Shanab, the former Head of the Engineering Association, and one of the most prominent members of the Islamic leadership, as result of his statements to the television channel (MBC) in which he called for canceling the Oslo Agreements. The day after, August 7, the criminal investigation police arrested Dr. Abed El Aziz El Rantisi and Amad Namer, two of the most prominent members of the Islamic leadership.
9. In the period between 14 and 21 August 1999 the General Intelligence Forces arrested more than 20 supporters of Hamas movement in different

⁵⁵For more details see page 108 of this report.

areas of the Gaza Strip. Two of these detainees were beaten with weapons during their arrest.

10. On 28 August 1999 the Preventive Security Forces in Khan Younis arrested five supporters of Hamas movement, after they entered their homes by force and searched them. Among these detainees is a journalist who is working in El Rissalah newspaper.
11. On 26 November 1999 the Preventive Security Forces arrested three citizens who are thought to belong to the Hamas movement in Rafah.

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 1999 especially in Gaza Strip.⁵⁶ 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 or truncheons, forcing detainees to sit on very small chairs for a long time, sleep deprivation, and other methods.⁵⁷ The detainees also testified that they were subjected to cursing and that their heads were shaved.

⁵⁶ During 1999 one fatal case was recorded in the West Bank. In a press release published on 5 October 1999 the Palestinian Society for Human Rights and the Environment (LAW) stated that Mohammed Ahmad Shritah, 30 years old from Yatah in Hebron, died after he was moved from the police headquarters in Hebron to Aliya governmental hospital in Hebron, in serious condition. It was known that the victim had heart problems, and he was beaten during his arrest. LAW placed complete responsibility for the death on the Palestinian police and asked that an investigation committee be formed to uncover the details of the incident, and that the people involved in the incident be brought to trial.

⁵⁷ One of the detainees testified that the General Intelligence Forces subjected him to different torture methods during his arrest and interrogation. He mentioned that the interrogator threatened to beat and torture him if he did agree to make the statements required by the interrogators. The released detainee stated that he informed the interrogator that he could not physically withstand the threatened torture since he suffers from serious liver disease. Once he knew this, the interrogator began to beat him in the area of his liver and ordered him to lie down and began to beat his legs and the base of his feet with a wooden stick, until the stick (which was a metre and a half long) broke. Once the stick broke, he used another plastic rod and beat him on his shoulders and back. After an interrogation session (the duration of which the detainee could not determine) the interrogator ordered him to sit on a seat in a corridor where there was very loud music playing, his hands were tied behind his back, and he was blindfolded. In the second session, which he thinks took place the next day, 21 August 1999, the victim was once again subjected to beating by a group of interrogators, and he was beaten with fists and plastic rods until he was unconscious. The victim returned to consciousness to find his clothes were soaking wet and he was shivering with

Legal Aid for the Detainees

The Legal Unit provides help to detainees and their families. The services of the Centre include the following:

1. Determining the location of detainees and informing their families;
2. Representing the detainees before the Attorney General, in order to know the reasons and circumstances of their arrest;
3. Visiting the detainees, where possible;
4. Working to secure the release of all detainees whose arrests were illegal;
5. Representing detainees before the Palestinian courts.⁵⁸

During 1999 the lawyers of PCHR worked on 96 files of detainees in Palestinian prisons and detention centres in the Gaza Strip, in comparison to 67 files in 1998, and 44 files in 1997. The detainees whose files have been worked on by the legal unit are distributed as follows:

Place of detention	No. of Detainees
Gaza Central Prison ⁵⁹	44
General Intelligence	29
Preventative Security	12
Police Directorate	7
Military Intelligence	4
Total	96

During 1999 the lawyers of the Centre managed to visit 33 detainees, in comparison with 27 detainees during 1998. However, the police have prevented visits to political detainees in Gaza Central Prison since 10 May 1999, and the General Intelligence also prevents the lawyers from visiting detainees in its prison. The lawyers of the unit sent 106 appeals to the Attorney General on behalf

cold. His blindfold and the handcuffs had been removed. The victim testified that he was later taken to a doctor and then moved to a separate cell, which was 1.5 by 2 metres in size. He remained in the cell until 28 August 1999, when a new session of interrogation and beating began. The victim was released after more than one-month detention. In fact, the Centre has documented a number of other testimonies (along with photographic evidence) in which the detainees were subjected during their detention to torture and beating by members of Palestinian Security forces.

⁵⁸ This is limited to the Palestinian Civil Courts, the Centre refuses to represent detainees before the State Security Court, in accordance with its fundamental stance in opposition to these Courts which are illegal. The Centre believes that this stance does not, however, prevent it from following closely the cases brought before the Security Court, and from expressing its legal opinions in relations to those cases. (see details regarding the State Security Court during 1999 below)

⁵⁹ The detainees held in Gaza Central Prison are transferred there by Palestinian Security Forces, particularly the Preventative Security Forces and the General Intelligence Forces.

of detainees in 1999, in comparison with 104 sent in 1998, and 36 sent in 1997. The applications ask the Attorney General's office to explain the reason behind the continued arrest of these detainees, to provide a copy of their files, to allow the lawyers to visit them and furthermore ask for their release. During 1999 the Centre received only 7 responses from the Attorney General, six of these informed of the release of the detainees in question, while one provided information regarding the location where the child Yasser El Wahidi was being held. It should be mentioned that amongst the appeals sent by the Centre to the Attorney General during 1999, 51 were sent after the appointment of the new Attorney General on 19 June 1999. The Centre received responses to three of these appeals.

PCHR's lawyers submitted applications to the High Court of Justice on behalf of 34 detainees for their release due to illegality in their detention. The Court issued a decision to immediately release in favour of 16 detainees, however, only three of these were implemented. In addition 7 detainees were released before any decision in their case before the Court. The Centre is still following 11 claims before the Court on behalf of detainees, until now no decision has been taken in these cases.

In 1999, PCHR documented an unprecedented event when the Palestinian High Court in a decision on 20 February 1999, held that political detention was illegal. The decision was issued in relation to the case of Wa'el Farj, who was represented by the Centre's lawyers. The court ordered the immediate release of Farj.

Press Releases Regarding the PA's Detainees

14 January 1999

The Centre issued a press release on the arrest of Yasser El Wahidi. The press release explained that for the 50th consecutive day the Preventative Security Services continued to arrest Yasser El Wahidi (14 years old from Jabaliya Camp) without due process as required by Palestinian law. The press release stated that PCHR is closely following the child's case. Lawyers from PCHR representing the boy sent a letter to the office of the Palestinian Attorney General on December 8, 1998 requesting his immediate release. Almost a month after this letter, the office of the Attorney General informed PCHR that the child had been arrested by the Palestinian Preventative Security at its discretion.

The press release expressed PCHR's deep concern over the brief and illegal response of the Attorney General's office. According to Palestinian law all detainees are to be under the sole responsibility of the Attorney General himself and there is no other authority exercising such a responsibility. PCHR considers that the response of the Attorney General's office is intended to provide a legal cover to illegal arrests carried out by Palestinian security forces, which is by itself more dangerous than the actual illegal arrests. It is the first time according to our

documents that the office of the Palestinian Attorney General has provided such a justification for illegal arrests.

It is also clear, according to the press release, that the office of the Attorney General has not investigated the case or paid sufficient attention to the concerns outlined in the letter from PCHR as PCHR lawyers who managed to visit the child Wahidi testified that he is held with adult detainees in yet another violation of the law.

In addition, the press release mentioned that the office of the Attorney General has been vacant since the resignation of Mr. Fayyez Abu Rahma, the previous Attorney General, in May 1998. This vacancy has dangerous implications for the system of justice and rule of law in areas under Palestinian authority.

PCHR demands the immediate release of the child Wahidi and considers his continued arrest as a grave breach of Palestinian law.

25 January 1999

The Centre issued a press release on in which it expressed its satisfaction with the release of the child prisoner Yasser El Wahidi after 53 days of detention, but at the same time called on the PA to require law enforcement officials to follow the relevant provisions of Palestinian law. In addition, PCHR re-affirmed the need to abide by the provisions of the law and called for the immediate release of all prisoners in PA prisons who are being held without charge or otherwise are being illegally detained.

20 February 1999

The Centre issued a press release on the Palestinian High Court of Justice order to the General Intelligence Services to immediately release the prisoner Ali Faraj. The press release reported that on 20 February 1999, the Palestinian High Court of Justice ordered the immediate release of Wael Ali Faraj, a 25-year-old student of the Islamic University in Gaza.

Faraj has been arrested by the Palestinian General Intelligence Services since 25 April 1996. His arrest was carried out without any warrant, in a grave breach of Palestinian law and international standards.

PCHR took on the case of Faraj upon the request of his family in late 1998. On 12 October 1998, lawyers of PCHR applied to the High Court of Justice in order for it to issue a decision to release him as a result of the lack of due process. The High Court of Justice at the time gave the Palestinian Attorney General's office eight days in which to respond to PCHR's request. On 4 November 1999 the Attorney General's office informed the court that it communicated with the "concerned bodies" (i.e. the Palestinian security forces) and was waiting for their

answer. The Attorney General's Office asked the court that it extend its time to respond until it received an answer.

PCHR believes the answer of the Attorney General was odd because he is, in fact, the relevant concerned body. He is the final custodian of the public case and as such it is incumbent upon him to make such decisions rather than outsourcing them to other bodies.

On 6 December 1999, the Attorney General's office submitted the answer to the court on PCHR's request. According to the Attorney General's office, the detention of Wael Faraj was legal and in conformation with the law as he was detained upon a decision from the State Security Court on 6 October 1997.

The lawyers of PCHR rejected the answer of the Attorney General's office, which, in essence, contradicted its prior demand to extend the ultimatum to determine the reasons for the arrest of Faraj. Now, suddenly, the Attorney General's office is aware of his arrest from a date prior to the first session of the High Court on 12 October 1998.

Upon a request of PCHR lawyers, the High Court of Justice ordered the Attorney General's office to submit the file of Faraj, including all relevant materials such as the so-called decision of the State Security Court. PCHR lawyers were ordered by the court to submit their rebuttal to the Attorney General's response.

On 20 February 1999, the High Court of Justice ordered the immediate release of Wael Faraj. During the court session, the Attorney General's office failed to prove that Faraj was legally detained by Palestinian security forces.

PCHR expressed in its press release its deep satisfaction with the court decision, but also expressed its outrage in regard to the stance taken by the Attorney General's office, which tried to justify the illegal detention of Faraj. PCHR calls upon the Palestinian Authority (PA) to provide Faraj with proper redress for the nearly three years during which he was illegally detained. PCHR also calls upon the PA to immediately implement the court decision. Furthermore, PCHR calls upon the PA to review hundreds of similar files of Palestinian prisoners in Palestinian prisons and detention centers who are illegally detained. The PA should either release the prisoners or bring them before a civil court for a fair trial.

1 March 1999

The Centre issued a press release on the arresting and holding of a 15 year old boy by the Palestinian General Intelligence Services. The press release explained that for the 18th consecutive day, Palestinian General Intelligence Services continued to hold Bilal Yehya Al-Ghoul, a 15-year-old child and student in the third class of preparatory school. At the time of this press release, the General Intelligence Services refused his family access to visit the child. His lawyers from the Palestinian Centre for Human Rights (PCHR) were also denied access.

The child was arrested on the evening of Friday, 12 February 1999, from his house in Moghraqa, south of Gaza City. He was arrested by the General Intelligence Services, apparently in relation to the escape of his father from a Palestinian prison on 11 December 1998.

As legal representatives of the child, lawyers from PCHR addressed the Palestinian Attorney General's office in a letter of 22 February 1999. In the letter, PCHR demanded the immediate release of the child and access to visit him in prison. PCHR also stated in the letter that the continued arrest of the child is illegal as he is detained with adults in the interrogation section of the General Intelligence Services and prohibited from seeing his lawyers. Such measures are illegal under Palestinian local law and international standards. At the time of this press release, PCHR had yet to hear from the Attorney General's office regarding its communication.

On 27 February, lawyers from PCHR sent a letter to the Palestinian Minister of Justice, Freih Abu Meddein, in yet another attempt to secure the immediate release of the child. PCHR, in an effort to put an end to this file immediately, called upon the Palestinian Authority to adhere to the rule of law and to take the necessary measures to prevent such illegal arrests.⁶⁰

1 March 1999

The Centre issued a press release on the continuous arrest of Wae'l Faraj by the Palestinian General Intelligence Services in defiance of the decision of the Palestinian High Court of Justice. The press release mentioned that for the ninth consecutive day, Palestinian General Intelligence Services continued to defy the order of the highest Palestinian judicial authority to release Wae'l Ali Faraj. The Palestinian High Court of Justice ordered the immediate release of Faraj on 20 February 1999 after the Palestinian Attorney General's office failed to bring legal evidence to justify his arrest over the last three years by the Palestinian General Intelligence Services.

PCHR expresses its deep concern over the continued defiance by Palestinian security forces of court decisions. Such disregard of court decisions is a violation of Palestinian law, but one that to date has gone unpunished. PCHR believes that such behavior contradicts the principle of the rule of law and undermines the independence of the Palestinian judiciary. Also, the press release mentioned that Dr. Abdel Aziz Al-Rantisi remains under arrest by the Palestinian police despite a similar decision by the High Court of Justice ordering his release on 4 June 1998.

6 March 1999

The Centre issued a press release on the detention by the Palestinian police of a number of the leading members of Al-Khalas Islamic National Party. The press

⁶⁰ The child Bilal El Ghoul was released on 7/3/1999.

release reported that on Thursday 4 March 1999, Palestinian police detained the members of the political bureau of Al-Khalas Islamic National Party during a meeting of the political bureau. During the meeting, Palestinian police forces raided the party's premises and arrested all those who were participating in the meeting. Those arrested requested that they go the General Directorate of the police by their own transport, but the police refused and transported them by police mini-bus.

The members of the political bureau were released at 3:00 on Friday morning after being informed by the police political security officer that the reason for their detention was the PNA's dissatisfaction with a press release that the party had issued.

It is worth mentioning that Al-Khalas party had previously issued a press release criticizing the State Security Court's charge of three young people, and expressing their view that the SSC is a political court that lacks the basic requirements of a fair trial.

The Palestinian Centre for Human Rights (PCHR) expressed in its press release its deep concern about the misconduct of the Palestinian police, especially regarding the right to assembly and the right to freedom of expression. PCHR calls upon the PA to immediately release Dr. Ghazi Hamad and all those supporters of the party who were detained for the same reason.⁶¹ Furthermore, the Centre asks the PNA to remove all the restrictions imposed on political parties and to ensure that they can practice their work in freedom.

7 March 1999

The Centre issued a press release on the Palestinian General Intelligence's release of the youth Bilal Yehya Al-Ghoul after twenty days in detention. The press release mentioned that on 12 February 1999, Bilal Al-Ghoul was arrested by General Intelligence Forces after his father Yehya El-Ghoul escaped from the central prison in Gaza on 11 December 1998. The arrest of the youth was an attempt to pressurize the escapee to give himself up.

After his release, Bilal Al-Ghoul reported that he was subjected to torture and beating throughout the twenty days of his detention by the General Intelligence.

PCHR expressed in its press release its deep concern about the arrest of a child less than 18 years of age. It urged the Palestinian Authority to stop making such illegal arrests, pointing out that the Palestinian General Intelligence had also arrested Bilal's cousin, Amran Omar Mahmoud El-Ghoul (16 years old and a student in the first year of secondary school) in relation to the same incident on 24 February 1999.

14 March 1999

⁶¹ Dr Ghazi Hamad was released on 7/3/1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the immediate release of Marwan Eisa. The press release reported that on 14 March, the Palestinian High Court of Justice ordered the immediate release of Marwan Abdel Karim Eisa, 34 years old from Bureij Camp. He was arrested by Palestinian Preventative Security on 16 March 1996 without a warrant, in defiance with Palestinian law. No charges have ever been filed against him.

On 24 October 1998, lawyers from the Palestinian Centre for Human Rights (PCHR) acting as representatives of Eisa, applied to the High Court of Justice to demand his immediate release for this illegal arrest. The Palestinian Attorney General's office was given a period of 8 days in which to respond to PCHR's demand by the Court.

On 2 December 1998, the Attorney General's office finally responded to the demand stating that Marwan Eisa was legally detained and his file has been reviewed by the State Security Court, where he is still under interrogation. Lawyers from PCHR rejected this response, considering it contrary to Palestinian laws and rejecting any possible justification for the fact that Eisa has been interrogated for a period of three years without any charges being filed against him. The lawyers also demanded that the Attorney General's office bring before the Court the file of Eisa and the extension of his detention by the State Security Court. On 13 December, the court ordered the Attorney General's office to bring Eisa's file to verify their response.

Today 14 March 1999, the High Court of Justice ordered Eisa's release after the Attorney General's office failed to bring his file before the court and acknowledged that it does not know about the charges or the extension of the detention period. In fact, no file for Eisa exists at the Attorney General's office.

While PCHR expresses its deep satisfaction with the court decision, it expresses its outrage at the behavior of the Attorney General's office over the last three years, with regard to this case. PCHR calls upon the PA to review hundreds of similar files for detainees illegally held in Palestinian prisons and detention centres. PCHR expresses its solidarity with the just demands of these detainees, to either be released or brought before civil and fair trials in accordance with the law.

It should be noted that the court issued a similar decision on 4 June 1998, ordering the immediate release of Dr. Abdel Aziz Rantisi. Another similar decision was issued by the court on 20 February 1999, ordering the immediate release of Wa'el Faraj. Both Rantisi and Faraj are still held by the PA in defiance with the Court's decision.

18 March 1999

The Centre issued a press release on the High Court of Justice ordering the Preventative Security to immediately release the detainee Harb Al-Deqis. The press release reported that in its session on Thursday 18 March 1999, the Palestinian High Court of Justice gave an order for the immediate release of detainee Harb Salama Al-Deqis, 32 years old from Jabalia refugee camp. Al-Deqis was arrested by Preventative Security on 18 March 1996 without warrant, in violation of Palestinian law and international standards.

On 13 November 1996, Al-Deqis was transferred from Preventative Security headquarters to Gaza Central Prison where his detention continued without any charges being made against him, without bringing him before a judge and without extending his detention.

Lawyers of the Palestinian Centre for Human Rights (PCHR) appealed to the High Court of Justice on 12 October 1998 for his immediate release. The appeal was made on the grounds that the proper legal procedures had not been respected during his detention. The court then gave the Attorney General's office eight days in which to respond to PCHR's demand.

On 21 October 1998, the Attorney General's office asked the court for an extension of the period which was given to them to give their response, as they had written to specialized bodies to provide them with the information required. The Attorney General's office is the body that should be in charge of the file, according to Palestinian law. On 10 October 1998, the Attorney General answered the demand in writing, claiming that the detention of Mr. Al-Deqis was valid and that he was detained under case number 288/96 of the State Security Court. In a session of the High Court of Justice on 11 February 1999, PCHR lawyers submitted that this response by the Attorney General's office was not only baseless and unacceptable, but in full contradiction with the request of the Attorney General's office to extend the deadline. Also, the PCHR lawyers harshly criticized the detention orders that were presented by the Attorney General's office and they asked the court to order the Attorney General's office to release the file of the detainee if it exists, along with the detention order papers. In the same session, the Palestinian High Court of Justice requested that the file and extension detention orders be brought to the court to confirm whether the Attorney General's office was following the legal procedures.

On 18 March, the Attorney General's office made it clear to the court that they had no information about either a charge sheet or extension of detention orders. There was not even a file for the detainee and the court thus decided to immediately release the detainee Harb Al-Deqis.

PCHR welcomed the Palestinian High Court of Justice's decision, and demanded that the Palestinian National Authority implements the court decision to release Harb Al-Deqis. It is worth mentioning that on 16 March 1999, detainee Marwan Abdel Karim Eisa, whose case was also adopted by PCHR, was released from

prison by the Preventative Security system under a similar decision of the High Court of Justice on 14 March 1999.

Moreover, PCHR demanded that the Palestinian National Authority immediately release all Palestinian detainees who are illegally detained. This includes those detainees that the Palestinian High Court of Justice has already given the order to release. Dr. Abdel Aziz El-Rantisi, whose release was ordered by the High Court of Justice on 4 June 1998, is still illegally detained. Furthermore, on 20 February the High Court of Justice ordered the immediate release of Wa'el Farraj, although he too remains in detention.

9 May 1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the Preventive Security Services to immediately release the detainee Mahmoud Marzouk Abu Watfah. The press release reported that on 8 May 1999, the Palestinian High Court of Justice ordered the immediate release of the detainee Mahmoud Marzouk Abu Watfah who has been held by the Preventive Security Services since 21 March 1996.

The Palestinian Centre for Human Rights (PCHR) began following up the developments in Abu Watfah's case after his family complained to the Centre regarding his arrest by the Preventive Security Forces in violation of due legal process. PCHR lawyers appealed to the High Court of Justice to issue an order to release him. Accordingly, the High Court of Justice granted the Attorney General eight days to answer the Centre's appeal. Shortly thereafter, the Attorney General asked the High Court of Justice to extend the granted period of time. The Attorney General added that he had asked the concerned parties to send his office the necessary information about the arrest of Abu Watfah.

On 12 December 1998, the Attorney General Prosecutor answered the Court regarding the appeal of PCHR lawyers. In his answer, the Attorney General explained that the holding of Abu Watfah was in accordance with due legal procedures and that he is charged as a result of his involvement in crimes against state security under case number 27/96 of the State Security Court.

The High Court of Justice's order to release the detainee Abu Watfah came after the General Prosecutor failed to provide any evidence for the Court to continue extending his arrest. Indeed, not even an affidavit of charges was provided.

The Centre was informed during the drafting of this press release that the detainee Abu Watfah had not yet been released and, in fact, had been transferred to the Criminal Investigation Department of the police.

It is worth mentioning that Dr. Abdel Aziz Al-Rantisi is still held in the headquarters of the police despite there being an order from the High Court of

Justice to release him dated 4 June 1998. Another similar case is that of Wael Farraj who is being held by the General Intelligence Forces despite there being an order by the High Court dated 20 February 1999, to release him.

While PCHR expressed in the press release its satisfaction with the Palestinian High Court of Justice decision to release the detainee Abu Watfah, it is asking the Palestinian Authority and the Attorney General's office for the following: 1) to respect and implement the decisions of the Palestinian courts to ensure the rule of law and respect for human rights; 2) to decide as soon as possible regarding the cases of hundreds of Palestinians who are illegally held in Palestinian prisons in circumstances similar to those of Abu Watfah; 3) to implement the fair demands of the Palestinian detainees in Palestinian prisons that they either be released or brought to a fair court of justice.

23 May 1999

The Centre issued a press release in which it stated that in an urgent letter sent that day, the Palestinian Centre for Human Rights (PCHR) demanded to know from the Office of the Palestinian Attorney General the conditions surrounding the arrest of Dr. Hamad. Dr Hamad received a phone call yesterday afternoon, 22 May 1999, from the Palestinian police summoning him to the police department in order to meet General Ghazi Jabali, Chief of the Palestinian police. Dr. Hamad went to the police department at 6:00 p.m. yesterday and has been in custody since then.⁶² Yahia Mousa, Secretary General of the Islamic Salvation Party, testified to PCHR that he was informed by the office of Taib Abdul Rahim, Secretary General of the Presidency, that Dr. Hamad was being interrogated about a report published by Al-Risala covering the case of Ayman Al-Amasi.

On 20 May 1999, Al-Risala reported that Al-Amasi, who was detained by the Palestinian police on 14 March 1999, had been transferred unconscious to Al-Shifa Hospital. Al-Risala added that the family of Al-Amasi said that he was subjected to torture. In the same article, Al-Risala quoted General Jabali as saying that Al-Amasi attempted to commit suicide in his cell.⁶³ While producing this press release, PCHR was informed that Wissam Afifa, the author of the article was also summoned to the police department.⁶⁴

⁶² Dr. Ghazi Hamad was released on 23/5/1999.

⁶³ According to PCHR's data, the Palestinian police arrested Al Amasi to interrogate him on a crime committed inside the green line areas. On 11/2/1999 the Israeli police arrested Al Amasi, but released him on 16/2/1999 on bail with a condition that he would stay inside Israel for 15 days to complete the interrogation. On March 2, 1999 Al Amasi returned back to Gaza after he obtained his identity card from the Israeli police, and without charges being laid. On 14/3/1999, the Palestinian criminal investigation unit arrested him for the same reasons. His health deteriorated during his detention. As result he was moved to Al Shifa hospital for medical treatment. On 30/5/1999 the Palestinian police released Al Amasi after he received a medical certificate. Despite the fact that Alamsi suffers from difficulties speaking, and a complete inability to move his arms, he was able to recognize people very well, but he could not, or would not, talk about what happened with him during his detention.

⁶⁴ The journalist Wisaam Afifa was released on 24/5/1999.

PCHR lawyers are working now to secure the immediate release of Dr. Hamad. The press release added that the critical article published by Al-Risala, was in conformity with the Palestinian Press Law of 1995. The press released added Article 42 of the law requires that cases should be reviewed by a civil court and that any investigations should be carried out by the Palestinian Attorney General.

At the same time, the press release pointed out that the case of Al-Amasi has been followed closely by PCHR lawyers. On 11 May 1999, PCHR wrote to the Office of the Palestinian Attorney General demanding that it investigate the circumstances and the reasons for the deterioration in Al-Amasi's health. No response has been received yet from the Office of the Attorney General. Until now, Al-Amasi remains in the intensive care unit at Al-Shifa Hospital in critical condition. According to the medical reports released by the hospital (Palestinian Ministry of Health), Al-Amasi's upper arms are blue from apparent blows. Also, according to the hospital report, there are red marks around his neck.

Finally, the press release asserted PCHR's emphasize on the following:

- 1) The Palestinian Authority should adhere to legal procedures in the arrest of Dr. Hamad.
- 2) The investigation of Dr. Hamad is solely the responsibility of the Office of the Palestinian Attorney General and the civil judiciary is the only body with jurisdiction over such cases.
- 3) The Office of the Attorney General is required to conclude its investigation of the case of Al-Amasi and to make a public announcement regarding the results of the investigation.

1 July 1999

The Centre issued a press release on the High Court of Justice issuing a decision to release the detainee Khalid Abdel Nasser Karsouh, 28 years. He has been illegally imprisoned since 6 March 1996 by the Preventative Security Forces, without due legal process.

On 12 May 1999, after being appointed to represent the detainee Abdel Nasser Karsouh, the lawyers of the Palestinian Centre for Human Rights submitted applications to the High Court of Justice for his release. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the applications.

On 10 June 1999, the Attorney General's office submitted the responses to the applications, in which it was claimed that the detention of Abdel Nasser Karsouh was legal. PCHR's lawyer refuted the Attorney General's claims since it is

patently contrary to due legal process to hold a detainee for a period of more than three years without any charges.

The High Court of Justice issued an order to immediately release Karsouh after the Attorney General's representative testified before the Court to the absence of any charges against him, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General's representative testified that there were no applications to the Attorney General's office to extend his imprisonment beyond 30 days.

PCHR expressed in the press release its satisfaction with the Court's decisions and hopes the decisions will be respected and executed through the immediate release of the detainee Karsouh. Furthermore, PCHR demands compensation for them for his illegal imprisonment.

Moreover PCHR called in its press release upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary to Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

7 July 1999

The Centre issued a press release on the Palestinian High Court of Justice's order for the immediate release of Muhammad Mousa Jadallah who has been illegally detained by Palestinian Preventive Security since 24 March 1996. On behalf of Jadallah's family, lawyers from the Palestinian Centre for Human Rights (PCHR) applied to the High Court of Justice on 18 April 1999 to order the release of Jadallah. On 21 April 1999, the Court accepted PCHR's application and ordered the Office of the Attorney General to respond within a period of eight days providing the reasons for the continued detention of Jadallah without due process. On 23 May 1999, the Office of the Attorney General informed the Court that Jadallah had been detained in conformity with relevant laws and that his detention was extended by the State Security Court. PCHR lawyers rejected these claims by the Office of the Attorney General. Yesterday's Court decision ordering the release of Jadallah came after the Office of the Attorney General failed to prove its claims and after its statement that it knew nothing about the entire case.

PCHR expressed in the press release its satisfaction with the Court decision while demanding that Jadallah be given redress for having spent more than three years of his life illegally imprisoned. PCHR also hopes that this Court decision, as well as many other similar decisions, will be implemented by Palestinian law enforcement agencies. We are reminded of similar files where the Palestinian High Court of Justice ordered the release of prisoners, but they nevertheless remain in detention.

The press release expressed PCHR's belief that the continued detention of these people in defiance of High Court decisions is illegal according to Article 143 of the Palestinian Penal Law of 1936. Such acts undermine the rule of law and the independence of the Palestinian judiciary. PCHR calls upon the Palestinian Chief Justice and the Palestinian Attorney General to do their best in order to seek respect and implementation for the above Court decisions by Palestinian law enforcement agencies.

25 August 1999

The Centre issued a press release on the arrest of a senior member of the Islamic Salvation Party. The press release reported that on the afternoon of 24 August 1999, Palestinian Security forces released Sami Naufal, a member of the politburo of the Islamic National Salvation Party, after seven days of arrest. Mr. Naufal testified to PCHR that he had been subjected to torture methods by interrogators in the General Intelligence Services, including beating, sleep deprivation and *shabeh* (being forced to stand for extended periods in painful positions).

On the night of 16 August 1999, forces of the Palestinian Intelligence raided and searched his house twice, confiscating private property. The property confiscated included personal cameras, a small television, videotapes, and computer disks. Naufal's family was informed that he was wanted by the Palestinian Intelligence Service.

The next day, after the Islamic Salvation Party received assurances that the matter was simple and would be easily and immediately resolved, Sami Naufal went to the General Intelligence headquarters accompanied by the Secretary General of the Islamic Salvation Party and members of the politburo. He was put under arrest immediately. In his testimony to PCHR Naufal said that he was subjected to prolonged interrogation and that he was subjected to torture, including painful handcuffing and *falakeh* (beatings to the feet).

On 20 August 1999, Naufal was led, blindfolded, to a room. When his blindfold was removed, he saw there were three people in the room. He was informed that he stood before the State Security Court and that the Court decided to arrest him for fifteen days, for interrogation. Naufal also testified that he was interrogated once again and was subjected to *shabeh* and sleep deprivation. Naufal was released on 24 August 1999 and bruises, swelling and abrasions were evident on different parts of his body, particularly his arms and feet, as is shown by photos taken at the time, and is confirmed in a medical report.

The press release reiterated PCHR's position, condemning the perpetration of torture, which is illegal according to Palestinian and international law. PCHR demands that the Palestinian National Authority put clear regulations in place to prohibit torture by law enforcement agencies and to hold accountable all those who are involved in the perpetration of torture. PCHR also reiterates its position

to abandon the State Security Court, which lacks the minimum requirements for a fair trial, undermines the independence of the Palestinian judiciary and violates basic human rights.

26 August 1999

The Centre issued a press release on the refusal of the Gaza Magistrate Court to release on bail two leaders of the Islamic Movement. In its session on 26 August 1999, the Gaza Magistrates Court refused to release on bail Dr. Abdul Aziz Rantisi and Ahmed Nemr Hamdan. Both men, who are prominent figures of the Islamic Movement, were detained by Palestinian police on 8 August 1999. They have been accused of “disseminating false information in an attempt to terrorize the public”.

Previously, Dr Rantisi was arrested by Palestinian police on 9 April 1998. Upon intervention by lawyers from PCHR, the Palestinian High Court of Justice ordered his immediate release on 4 June 1998. However, the Palestinian police refused to implement the Court decision. More than a year later, on 19 July 1999, he was released, after the death of his mother.

After his release he gave statements to the Al Quds press agency, in which he was quoted saying that he had been told by the General Secretary of the President’s Office that he was arrested as a result of pressure from Israel. He also said that the Palestinian Authority had no power to release him without prior approval from the CIA. Dr Rantisi commented that these were the fruits of the ‘security co-operation’.

As a result of these statements he was arrested again by the Palestinian Authority on 8 August 1999.

7 September 1999

The Centre issued a press release in which it stated that PCHR’s lawyer submitted four applications to the High Court of Justice in Gaza to release the following detainees, on the grounds that their arrest and detention were illegal:

1. The detainee Nasser Subhi El Ataar, 36 years old from Rafah. Imprisoned by the preventive security since February 1, 1999
2. The detainee Wa’el Talab Mohammed Nassar 26 years old from Gaza. Imprisoned by the preventive security since March 14, 1999
3. The detainee Khaleel Ahamad Mohammed Abu Auda 39 years old from Khan Younis. Imprisoned by preventive security forces since March 14, 1999

4. The detainee Ashraf Mohammed Zaqout, 26 years old from Gaza. Imprisoned by the preventive security forces since March 17, 1999.

The press release added that previously, and in response to a similar application by PCHR's lawyers in relation to seven detainees, the High Court issued a temporary decision in which it granted the Attorney General 8 days in which to answer the lawyers submissions, and to provide an explanation for the arrest and detention of the following detainees:

1. The detainee Suhel Zyada, 24 years old. Imprisoned by the intelligence security forces since March 15, 1996.
2. The detainee Abed El Rahiem Jahjooj, 28 years old. Imprisoned by the preventive security forces since February 13, 1999
3. The detainee Fawzi Abu Qarah, 29 years old. Imprisoned by the preventive security forces since March 1996
4. The detainee Mohammaed Ahmad Mohammoud Abed Allah, 53 years old. Imprisoned by the preventive security forces since February 1, 1999.
5. The detainee Khali Ibrahim Khaleel, 30 years old. Imprisoned by the preventive security forces since March 17, 1996
6. The detainee Ibrahim Mohammed Abu Allwan, 58 years old. He is imprisoned by the preventive security forces since March 8, 1996
7. The detainee Adel Aql Dieb Abed El Rahman, 32 years old. Imprisoned by the preventive security forces since March 1996.

Previously, the Preventative Security Forces released the detainee Falah Hamad Ismail Mortaih, 27 years old, who had been in prison since 28 November 1998 without any due legal process. After 10 months illegal imprisonment, he was released after PCHR's lawyer submitted an application to the High Court for his release. The Court granted the Attorney General 8 days to answer the application.

The Centre explained in its press release that the issue of political detainees in the Palestinian Authority prisons must be a top priority for the new Attorney General. Although the new Attorney General indicated that he was deeply concerned with this issue, no changes have yet been seen on the ground, and dozens of Palestinian detainees remain in prison, without due legal process. PCHR repeats its demand that the PNA and the Attorney General's office immediately decide on these files. PCHR affirms the need to immediately release these detainees, and furthermore would like to remind all concerned parties that High Court issued a decision on 20 February 1999 in which it held that arrest or detention for political reasons is illegal.

29 September 1999

The Centre issued a press release on the Palestinian police's continued arrest of Dr Abdel Aziz Rantisi contrary to court order. The press release mentioned that two days after the Central Court Decision ordered the release of Dr. Abdel Aziz Rantisi the Palestinian police continue to detain him, claiming that he can be held on another charge, without giving details. The Central Court in Gaza on 27 September 1999 issued its decision to release Dr Rantisi with a bond of about 3000 NIS.

Dr Rantisi, who is a prominent figure in the Islamic Movement in the Gaza Strip was detained by the Palestinian police on 9 April 1998. The Palestinian Centre for Human Rights adopted Rantisi's case and called on the Attorney General, through the Palestinian High Court, to explain Dr Rantisi's arrest and detainment, which was in contradiction with legal measures and procedure.

4 June 1998 the Palestinian High Court ordered the immediate release of Dr Rantisi, for the illegal measures in his detention. However, the Palestinian police refused to implement the Court's decision and continued to detain Dr Rantisi until 19 July 1999 when he was released after the death of his mother.

On 8 August 1999 was arrested again, and accused of disseminating false information in an attempt to terrorise the public (against Articles 95, 60 and 62 of the Palestinian Penalties Law of 1936). On 26 August 1999 the Reconciliation Tribunal in Gaza issued a decision rejecting the request to release Rantisi which was submitted by his lawyer. The request was rejected by the Tribunal in order to give the Attorney General one week in which to complete the interrogation of Rantisi and to forward a statement by the accused

4 October 1999

The Centre issued a press release on the High Court of Justice ordering the Preventative Security Forces to immediately release the detainee Abdel el Rahiem Jahjooh. The press release reported that on October 3, 1999, the High Court of Justice issued a decision to release the detainee Abdel el Rahiem Jahjooh, 28 years old, who has been illegally imprisoned since 13 February 1999 by the Preventative Security Forces, without due legal process.

On 4 July 1999, after being appointed to represent Jahjooh, the lawyers of the Palestinian Centre for Human Rights submitted an application to the High Court of Justice for his release. At that time the High Court of Justice granted the Attorney General a respite of eight days to answer the application.

On 28 September 1999, the Attorney General submitted the response to the application, in which it was claimed that the detention of Jahjooh was legal since

his detention was extended by the State Security Court. PCHR's lawyer refuted the Attorney General's claim since it is contrary to due legal process to hold a detainee for a period of more than eight months without any charges.

The High Court of Justice issued a decision to immediately release the detainee after the Attorney General testified before the Court to the absence of any charge against Jahjooh, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there was no application to the Attorney General's office to extend the imprisonment beyond 30 days.

PCHR expressed in the press release its satisfaction with the Court's decision and hopes the decision will be respected and executed through the immediate release of the detainee Jajoooh. Furthermore, PCHR demands compensation for Jahjooh for his imprisonment with out any logical or legal reason. At the same time, PCHR calls for the immediate implementation of all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons, amongst these detainees are:

Moreover PCHR called in its press release upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

6 October 1999

The Centre issued a press release on the High Court of Justice ordering the Preventative Security Forces to immediately release the detainee Adel Aql Deeb Abed El Rahman. The press release mentioned that on Tuesday, 5 October 1999, the High Court of Justice issued a decision to release the detainee Adel Aql Deep Abed El Rahman, 32years old, who has been illegally imprisoned since March 1996 by the Preventative Security Forces, without due legal process.

On 4 July 1999, after being appointed to represent the detainee Adel Abed El Rahman, the lawyers of the Palestinian Centre for Human Rights submitted an application to the High Court of Justice for his release. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the application.

On 26 July 1999, the Attorney General submitted the response to the application, in which it was claimed that the detention of Adel Abed El Rahman was legal since his detention was extended by the State Security Court. PCHR's lawyer

refuted the Attorney General's claim since it is contrary to due legal process to hold a detainee for a period of more than three years without any charges.

The High Court of Justice issued a decision to immediately release the detainee after the Attorney General testified before the Court to the absence of any charge against Adel Abed El Rhmaan, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there was no application to the Attorney General's office to extend the imprisonment beyond 30 days.

PCHR expressed in its press release its satisfaction with the Court's decision and hopes the decision will be respected and executed through the immediate release of the detainee Abed El Rhmaan. Furthermore, PCHR demands compensation for Abed El Rhmaan for his imprisonment with out any logical or legal reason. At the same time, PCHR calls for the immediate implementation of all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons, amongst these detainees are:

Moreover PCHR called upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

10 October 1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the Preventative Security Forces to immediately release the detainee Ibrahim Abu Alwaan. In the press release the Centre mentioned that on 10 October 1999, the High Court of Justice issued a decision to release the detainee Ibrahim Abu Alwaan, 48 years old, who has been illegally imprisoned since 8 March 1996 by the Preventative Security Forces, without due legal process.

On 12 May 1999, after being appointed to represent Abu Alwaan, the lawyers of the Palestinian Centre for Human Rights submitted an application to the High Court of Justice for his release. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the application.

On 28 June 1999, the Attorney General submitted the response to the application, in which the Palestinian Security Forces claimed that the detention of Abu Alwaan was legal since he was held under imprisonment order number 269/96 of the State Security Attorney by the sanction of the Gazan State Security Court. PCHR's lawyer refuted the Attorney General's claim since it is contrary to due legal process to hold a detainee for a period of more than eight months without any charges.

The High Court of Justice issued a decision to immediately release the detainee after the Attorney General testified before the Court to the absence of any charge against Abu Alwaan, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there was no application to the Attorney General's office to extend the imprisonment beyond 30 days.

PCHR expresses in its press release its satisfaction with the Court's decision and hopes the decision will be respected and executed through the immediate release of the detainee Abu Alwaan. Furthermore, PCHR demands compensation for Abu Alwaan for his imprisonment with out any logical or legal reason. At the same time, PCHR calls for the immediate implementation all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons.

Moreover PCHR calls upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

20 October 1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the Preventative Security Forces to immediately release the detainees Khalid Ibrahim Hassan Khaleel and Fawzi Muhammed Shahatah Abu El Qarah. The press release mentioned that on the 18th and 19th of October 1999, the High Court of Justice issued rulings to release the detainees Fawzi Muhammed Shahatah Abu El Qarah, 29 years old, Khalid Ibrahim Hassan Khaleel, 30 years old, respectively. The two detainees have been illegally imprisoned since March 1996 by the Preventative Security Forces, without due legal process.

On 4, and 10 July 1999 respectively, after being appointed to represent the detainees Khalid Ibrahim Hassan Khaleel and Fawzi Muhammed Shahatah El Qarah, the lawyers of the Palestinian Centre for Human Rights submitted petitions to the High Court of Justice for their release. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the petitions.

Sometime later, the Attorney General submitted the responses to the petitions, in which it was claimed that the detention of Khalid Khaleel and Fawzi Abu El Qarah was legal since their detentions were extended by the State Security Court. PCHR's lawyers refuted the Attorney General's claims since it is contrary to due legal process to hold a detainee for a period of more than three years without any charges.

The High Court of Justice issued rulings to immediately release the two detainees after the Attorney General testified before the Court to the absence of any charges against them, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there were no applications to the Attorney General's office to extend their imprisonment beyond 30 days.

PCHR expressed its satisfaction with the Court's decisions and hopes the rulings will be respected and executed through the immediate release of the detainees Khalid Khaleel and Fawzi Abu El Qarah. Furthermore, PCHR demands compensation for them for their illegal imprisonment. At the same time, PCHR calls for the immediate implementation of all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons.

Moreover PCHR called upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

30 October 1999

The Centre issued a press release concerning the High Court of Justice's decision to ask the Attorney General to clarify the reasons for the continuing detention of four detainees without due legal procedure. The Court asked the Attorney General to answer within 8 days. The press release stated that the Centre's lawyers submitted, on 28 October 1999, appeals to the High Court for the release of the following detainees.

The names of the detainees were:

- 1) Imad Jaber Mahmoud El Amasi, 29 years old, from Jabalia, detained by Preventative Security Forces since 16 March 1996.
- 2) Mahmoud Fouad Ahmad Abu Matar, 27 years old, detained by the Preventative Security Forces since February 1996.
- 3) Ahmad Fouad Ahmad Abu Matar, 31 years old, detained by the Preventative Security Forces since February 1996.
- 4) Ibrahim Hussien Mohammed Afani, 44 years old, detained by the Preventative Security Forces since February 1999.
- 5) Talal Mohammed Ottaman Mushtaha, 47 years old, detained by the Military Intelligence Forces since 18 February 1996.
- 6) Mohammed Saqer Rageb El Zatma, 44 years old, detained by the General Intelligence Forces since February 1996.
- 7) Riyadh Saleh Ali Abu Hashish, 39 years old, detained by the General Intelligence Force since February 1996.

8 November 1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the Preventative Security Forces to immediately release two detainees. The press release mentioned that on 8 November 1999, the High Court of Justice issued rulings to release the detainees Wael Talab Mohammed Nasser, 26 years old, and Khalil Ahmad Mohammed Abu Ouda, 39 years old, respectively. The two detainees have been illegally imprisoned since 12 and 14 March 1996, respectively, by the Preventative Security Forces, without due legal process.

After being appointed to represent the detainees Wael Talab Mohammed Nasser and Khalil Ahmad Mohammed Abu Ouda, the lawyers of the Palestinian Centre for Human Rights submitted petitions to the High Court of Justice for their release. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the petitions.

Sometime later, the Attorney General submitted the responses to the petitions, in which it was claimed that the detention of Wael Talab Mohammed Nasser and Khalil Ahmad Mohammed Abu Ouda was legal since their detentions were extended by the State Security Court. PCHR's lawyers refuted the Attorney General's claims since it is contrary to due legal process to hold a detainee for a period of more than three years without any charges.

The High Court of Justice issued rulings to immediately release the two detainees after the Attorney General testified before the Court to the absence of any charges against them, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there were no applications to the Attorney General's office to extend their imprisonment beyond 30 days.

PCHR expressed its satisfaction with the Court's decisions and hopes the rulings will be respected and executed through the immediate release of the detainees Wael Talab Mohammed Nasser and Khalil Ahmad Mohammed Abu Ouda. Furthermore, PCHR demands compensation for them for their illegal imprisonment. At the same time, PCHR calls for the immediate implementation of all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons

Moreover PCHR calls upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

14 November 1999

The Centre issued a press release on the Palestinian High Court of Justice ordering the Preventative Security Forces to immediately release Nasser Sobhi Abdel Aziz El Attar, 36 years old, from Rafah. He has been illegally imprisoned since 1 February 1999 by the Preventative Security Forces, without due legal process.

After being appointed to represent the detainee, the lawyers of the Palestinian Centre for Human Rights submitted petitions to the High Court of Justice for his release on 2 September 1999. At that time the High Court of Justice granted the Attorney General, as the representative of the Palestinian Security Forces, a respite of eight days to answer the petitions.

Sometime later, the Attorney General submitted the responses to the petitions, in which it was claimed that the detention of Nasser Sobhi Abdel Aziz El Attar was legal since his detention was extended by the State Security Court. PCHR's lawyers refuted the Attorney General's claims since it is contrary to due legal process to hold a detainee for a period of more than three years without any charges.

The High Court of Justice issued rulings to immediately release the detainee after the Attorney General testified before the Court to the absence of any charges against him, and after it was proven that the Attorney General had no information in this regard except the imprisonment orders. Moreover, the Attorney General testified that there were no applications to the Attorney General's office to extend their imprisonment beyond 30 days.

PCHR expressed its satisfaction with the Court's decisions and hopes the ruling will be respected and executed through the immediate release of the detainees Nasser Sobhi Abdel Aziz El Attar. Furthermore, PCHR demands compensation for him for his illegal imprisonment. At the same time, PCHR calls for the immediate implementation of all the High Court of Justice's decisions issued for the release of detainees still being held in Palestinian State Security Forces' prisons

Moreover PCHR called upon the Palestinian National Authority to immediately decide on hundreds of similar cases of Palestinian detainees who are held in its prisons contrary Palestinian law. PCHR affirms the fairness of these detainees' request to be immediately released or to be brought before a just civil court according to the law.

(2) Individual Security Service Personnel Shooting and Killing Civilians

During 1999 a notable escalation was witnessed in the misuse of weapons by personnel of Palestinian security services, particularly outside of their working hours. In addition the Centre documented a number of fatal cases as a result of civilians being hit by Palestinian security vehicles. PCHR is deeply concerned

with this escalation, which constitutes a violation of the fundamental human rights to life and personal security. PCHR calls on the Palestinian Authority to take all necessary measures to end this violation and to control the use of weapons by the people responsible for enforcing the law.

During 1999 twelve civilians in the Gaza Strip were killed as a result of being shot or hit by cars driven by security forces. Amongst them were six children under the age of 16 years. Three of these children died as a result of being hit by security vehicles being driven at excessive speed⁶⁵ and a female infant of six months, a child of eight years, and a 15 year old were shot as a result of the misuse of weapons outside working hours. Moreover there were three cases of death resulting from events which took place in the Gaza Strip, including the death of a Chief in the Preventative Security Services and two men of 17 years of age. The rest of the victims died as a result of the misuse of weapons, or due to domestic disputes.

During 1999, 20 civilians from the Gaza Strip were injured to varying degrees as a result of being shot by personnel of the Palestinian security Forces. Amongst these were seven cases documented as a result of shooting during working hours, the rest resulted from the misuse of weapons and domestic disputes. Amongst the injured were three members of the Palestinian police, and two children of 11 years of age.

The following are the cases documented by the Centre in the Gaza Strip:

1. 9 January 1999, a member of the police security forces working as a bodyguard for Ghazi Jabali, General Director of the Palestinian Police, shot at citizens as a result of a conflict arising at the scene of a motor accident. Ala' El Dien Mohammed Yaghi, 35 years from Gaza was injured in his left leg, and Mohammed Khalil El Safdi, 31 years from Gaza was injured in his right leg. The police arrested the offender, but no information is available about the measures adopted against him.
2. 24 January 1999, a member of the Palestinian security forces accidentally shot a child while he was playing with the child, who was his neighbour. The child Sami Hatem Abu Butihaan, 11 years old from Nusserat camp, was shot in the shoulder. PCHR was informed that the police arrested the person responsible and he was later released without any charges.
3. 1 February 1999, the child Do'a Mohammed Jarawana was hit by a civilian car, which was under pursuit by security vehicle,s on her way to

⁶⁵ In one of these cases, the child was hit by a civilian car, which was being pursued by a security vehicle. The details of this incident are set out below.

school. The child was transferred to Nasser Hospital in Khan Younis, but was dead on arrival.

4. 1 February 1999, Rifat Mohammed Judid, 35 years old from Rafah, a Chief in the Preventative Forces, was killed during military clashes between the Preventative Security personnel and three armed men who were wanted by Israeli security forces, and who worked in the Palestinian security forces.
5. 1 February 1999, A Palestinian security vehicle hit and killed the child Mamdouh Bahjat El Yajzi, 11 years old from Gaza, as the car was being driven at excessive speed near the El Abass Police Headquarters.
6. 1 February 1999, as a result of firing by Palestinian security forces the following citizens were injured: Jihad Baker, 19 years old from Gaza, hit by live bullets in his right hand; Tawfiq Baker, 23 years old from Gaza, hit by live bullets in his shoulder; and Bihaa' Badir El Nmis, 23 old from Gaza, hit by live bullets in his back.
7. 20 February 1999, police officer Salim Saliem Hamdan Samaha, 25 years old from El Zawidah, who works in the border forces in Dier El Balah, fatally shot his colleague in his head while he was playing with his weapon.
8. On 10 March 1999 Alaa Jumah El Hams, 17 years old from Rafah, and Khamies Mahmoud Salmah, 17 years from Rafah, were killed during clashes which took place in the city between the citizens and the Palestinian security forces. Palestinian security forces randomly shot at the citizens leading to the death of El Hams after he was shot in the head. In addition, the security forces shot Salmah in the chest, he was immediately moved to Nasser hospital where he died. Moreover, the child Karm Fathi El Krd, 11 years old from Rafah, was injured in the ear by a live bullet. In addition three other civilians were injured, one was shot in the abdomen, while the other two were shot in the legs. In a press release issued on 10 March 1999, the Palestinian police claimed that citizens were shot at from the Israeli Monitoring tower. The Palestinian president Yasser Arafat decided to form investigation committee on these events. Until now the findings of this committee had not been published. On 6 November 1999 a popular committee established to follow up the activities of the investigation committee called for a prompt completion of the investigation and for the adoption of the necessary decisions concerning the clashes.
9. On 2 May 1999 members of the Palestinian police intervened to mediate a family conflict in front of the Mediation court in Dire El Balah. As result of their failure to control the situation they fired against the family members which led to the injury of Ayman Ahmad Khries, 25 years

old from Rafah, (shot in the leg) and of Youssef Ibrahim Aliyaan, 22 years old years old from Rafah, (shot in the leg).

10. On 26 May 1999, members of Palestinian Security forces severely beat Rai'd Ibrahim El Ghimri, 19 years old from El Magazi camp. The incident took place as result of a family dispute. According to the medical report there was a swelling in the face and legs of the victim, in addition to injuries in different parts of his body.
11. On 29 July 1999 a six-month-old infant from Khan Younis⁶⁶ was killed after being shot in the chest with a weapon belonging to a relative who works in the military intelligence forces. The incident took place in the house of the victim's father during dispute between her father and the person who shot her. The person responsible was brought before the intelligence security forces. He was later released, and the case was mediated peacefully between the two families.
12. On 31 July 1999 the child Nidal Alwi El Hrkili, 15 years old, was killed after being shot in the chest. The Centre was informed that the bullet was fired by a member of the security forces
13. On 31 July 1999 Hamada Audah Abu Shaqrah, 19 years old from Khan Younis, was killed after being shot in his chest. The incident took place during a wedding when a family member was playing with his weapon, and accidentally fired.
14. On 5 August 1999 the police officer Yunis Mohammed El Arjaa, 35 years old from Rafah, was shot in the leg when a member of the Palestinian police fired at him as result of a family dispute.
15. On 16 September 1999 a Palestinian security vehicle hit the child Huda Yahya Abu Moamar, 3 years old from Khan Younis, which led to her death. The incident took place when three cars of the preventive security forces were driving at excessive speeds on the road between Khan Younis and Rafah. One of the vehicles swerved from the road and hit the child who was standing 50 metres off the road.
16. On 24 September 1999, the police officer Amer El Abed Nasser, 21 years old from Rafah, was shot in the leg when one of his colleagues fired at him as a result of a personal dispute with him during work hours.
17. On 8 October 1999, five citizens were injured by live bullets during a family dispute between two families in Khan Younis. A number of the people who were involved in the dispute are working the Palestinian Security forces. The Palestinian police intervened and fired on the group as means to control the situation. The injured citizens, all from Khan

⁶⁶ PCHR will not release the name of the parties in this case.

Younis, were: 1) Basal Jamie El Nadir, 32 years old, shot in the chest 2) Fail salmon Barbakh, 41 years old, shot in his right hand 3) Abed El Rhman Sa'ied Barbakh, 50 years old, shot in his left hand 4) Mohammad Abed El Fatah El Najjar, 22 years old, shot in his left leg and 5) Hamdi Akram Barbakh, shot in the head.

18. On 23 November 1999, the police officer Ayman Mahmoud Abu Nahil, 24 years old from Jabaliya, was killed during a family dispute. The State Security Court sentenced the person convicted of killing Abu Nahil, Husein Hashim Abu Nahi, who is working in the national security forces, to the death penalty.
19. On 24 December 1999, the child Mohammed Ibrahim Abaas, 8 years from El Biruj, the nephew of a member of the Palestinian police force, died after he was shot in the head. The incident took place when the child and his cousin were playing with the weapon of the police officer. PCHR was informed that the Palestinian officer and his child son were arrested. The child was released, and the father still under detention.

Implementing the Death Penalty against a Member of the Palestinian Security forces.

On 25 February 1999, very late at night, a Palestinian Military Court sentenced Colonel Ahmad Atiya Abu Mustaoaha to death by firing squad after he was convicted of inciting public disorder against the Palestinian Authority. The sentence was implemented at approximately 2:00 a.m. Friday, February 26, 1999, after President Yasser Arafat ratified the Palestinian Military Court decision.

The Colonel Abu Mustafa was convicted of kidnapping and raping a six years old boy on February 19, 1999. On 24 February 1999 tensions erupted in the city of Khan Younis after the name of the perpetrator was revealed. Graffiti on Khan Younis walls accused the Colonel Abu Mustafa of the Palestinian border police of the crime. The graffiti demanded that the Palestinian Authority should carry out the death penalty against him.

Despite the grave and particularly horrifying nature of the crime, PCHR expresses its opposition to the death penalty regardless of the reasons. In addition, PCHR expresses its deep concern about the repeated execution of the death penalty by PNA, as this is the second time in six months. A death penalty was executed against the brothers Raied and Mohammed Kamal Abu Sultan on 30 August 1999. While most countries in the world are moving away from the death penalty, it seems that the PNA is going in the opposite direction.⁶⁷

Press Releases on Security Service Personnel Shooting and Killing Civilians

11 January 1999

⁶⁷ See page 108 of this report concerning the death sentences issued by Palestinian Security Court.

The Centre issued a press release regarding a Palestinian policeman who shot and injured two onlookers at the scene of a road accident in Gaza. The press release explained that on 9th January, a Palestinian policeman working as a personal guard for Ghazi Jabali, the Chief of the Police Department, fired at Alaa Yaghy and Mohammed Safady, injuring them both in the foot. The incident took place after a collision between three cars, including a police vehicle on Gaza's main street, Omar El-Mukhtar Street. The civilians who gathered to aid those persons injured in the collision expressed their outrage at the behavior of the policeman involved in the collision, who made no attempt to assist the casualties of the accident. On the contrary, the police responded to the incident by shooting at the crowd, injuring two people - who were transferred to Shifa hospital.

PCHR expressed in the press release its deep concern about such regrettable incidents, which have caused a great deal of injuries and deaths in the past few years. PCHR calls upon the Palestinian Authority to take immediate and effective measures to control the use of arms by individuals of its security forces.

26 January 1999

The Centre issued a press release about a member of the Palestinian Security Forces shooting a child. The press release explained that on Sunday 24th January, a member of the Palestinian security forces shot an 11-year-old child from Nuseirat refugee camp in the shoulder. Sami Abu Ibtihan was injured as he was on his way to a neighbour's house, who works as a colonel in the organisation and administration branch of the security forces. The neighbour was joking with the child when he pulled out his pistol and fired a bullet accidentally, injuring the child. The neighbour took the child immediately to Shifa hospital, where he is still receiving medical treatment. A fieldworker from the Palestinian Centre for Human Rights (PCHR) visited the child in hospital, where hospital staff informed him that the child's medical condition was stable and that he was recovering. PCHR was also informed that the man involved in the accident was arrested by Palestinian police but later released after mediation with the child's family, who gave up all their rights.

PCHR expressed in the press release its concern at the repetition of such incidents of firing guns at civilians. On previous occasions, PCHR called for regulation of the use of weapons by law enforcement personnel, especially outside their formal working hours. Despite the fact that the most recent incident was accidental and the family gave up their rights, this should not exempt the perpetrator from being held accountable for his crime.

Moreover, PCHR reiterated its demand that the PA should take effective measures to control features of militarisation such as the irresponsible use of weapons.

2 February 1999

The Centre issued a press release on three Palestinians killed in regrettable events in Gaza. The press release reported that on February 1, 1999, regrettable events in the Gaza Strip resulted in the death of three citizens, including two children and an officer of the Palestinian Security Forces. The victims died during Palestinian security activities undertaken in order to arrest a number of wanted people from Hamas and Islamic Jihad. It is believed that the wanted people were themselves members of a branch of the Palestinian Security Forces.

The events started at about 11 a.m. in Rafah when a Palestinian security vehicle was pursuing a car believed to be carrying at least one suspect. An eyewitness testified to PCHR that he saw a car driving at a very high speed. Immediately thereafter he saw a child lying on the ground. He carried the injured girl to the nearest clinic in a Palestinian security vehicle. The seven-year-old girl, Do'a Jerwana, who had been on her way to school, died as a result of her injuries.

Around 1:15 p.m. an armed clash took place in Rafah between a force of the Preventive Security Forces and a group of four persons who were believed to be working with a branch of Palestinian Security Forces and were wanted by the Israeli authorities because of their affiliation with Hamas. Rifat Juda, a 35-year-old officer with the Preventive Security Forces, was killed in the clash. The suspects escaped.

Around 4:00 p.m. a heavy presence of Palestinian Security Forces was witnessed along the beach road in Shati refugee camp in Gaza City. They surrounded one of the houses in which they believed suspects had taken refuge. Eyewitnesses testified that the police shot in the air to disperse people who gathered in the area. Three wanted people were arrested. Police forces withdrew to the police station in Gaza City around 5:00 p.m. PCHR fieldworkers reported that hundreds of people gathered and walked to the police station. Many of them threw stones at the police officers. The police responded by shooting and two civilians were injured. Jihad Bakr was injured in the arm and Tawfiq Bakr was injured in the shoulder by live ammunition fired by the police. The unrest lasted until approximately 7:00 p.m.

Around 5:00 p.m. a Palestinian security vehicle driving at a very high speed hit Mamdouh El-Yaziji, 11 years old from Gaza, near the police station. The child died at approximately 3:00 a.m. on February 2.

PCHR fieldworkers reported this morning that Palestinian security arrested many citizens from Rafah, Khan Younis, and Shati refugee camp.

The press release expressed PCHR's deep concern about the use of weapons. PCHR calls upon all parties to condemn such behavior and believes that the events constitute a grave threat to the safety and lives of innocent civilians. PCHR calls upon the Palestinian Authority to establish an Investigation Committee and to publish results and conclusions of the investigation. Finally, those responsible should be held accountable for their deeds.

25 February 1999

The Centre issued a press release on a Colonel in the Palestinian Border Police who was allegedly involved in the rape of a child. The press release mentioned that on February 24 tensions erupted in the city of Khan Younis after the name of the perpetrator of a rape against a six-year-old boy (name withheld by PCHR) was revealed. Graffiti on Khan Younis walls accused a colonel (name withheld by PCHR) in the Palestinian border police of the crime. The graffiti demanded that the Palestinian Authority should carry out the death penalty against him. Citizens burned car tires and closed the Beach Street in the city demonstrating their outrage and condemnation of the crime.

On Friday, February 19, a boy from Khan Younis was playing near his home when a car approached him and a person wearing a military uniform got out of his car and slapped him in the face and forced him into the car. He then drove to a parking area near his home where he committed the crime. After perpetrating the crime he drove the boy back to the area where he had been playing.

The father of the child testified to PCHR that he examined the child by himself and saw blood and semen on the boy. He did not inform the police for reasons related to family honor and Palestinian traditions. However, on February 21 he reported the crime to the police. The child was questioned and examined by a doctor who verified the father's claim.

The father added in his testimony that he and his son identified the place of the crime on February 21. There, the child was also able to identify the perpetrator of the crime. The father informed the police of these developments. Later in the day, Military Intelligence arrested the alleged perpetrator. Yesterday, February 24, the father and son were summoned to Military Intelligence in Gaza City and the child identified the alleged perpetrator three times in a line-up.

The Palestinian Centre for Human Rights condemned in its press release the crime in the strongest possible terms and calls upon the PA to bring the alleged perpetrator to an open trial. PCHR also calls upon political and community leaders to take urgent measures to contain the deteriorating situation in Khan Younis. It is critical that the rule of law be allowed to work in its appropriate form and not be unduly influenced by summary calls for justice. As in other cases, PCHR would not support the death penalty even if the alleged criminal were proven guilty in a court of law.

26 February 1999

The Centre issued a press release after Palestinian Authority executed a Colonel in its Security Forces. The press release reported that on Thursday, February 25, a Palestinian Military Court sentenced Colonel Ahmed Atiya Abu Mustafa to death by firing squad after he was convicted of causing public disorder against the

Palestinian Authority (PA). The sentence was implemented at approximately 2:00 a.m. this morning, Friday, February 26, 1999, after President Yasser Arafat ratified the Palestinian Military Court decision.

The press release reported that the Colonel Abu Mustafa was convicted of kidnapping and raping a six-year-old boy on February 19. For this crime, he was sentenced to 15 years hard labour.

After his name was revealed on Wednesday, February 24, tensions erupted in Khan Younis and graffiti on walls demanded that the PA should carry out the death penalty against him. Car tires were burned, some streets were closed, and people demonstrated to express their outrage and condemnation of the crime.

PCHR condemned in the press release, but asked that the rule of law be given a real chance to work – rather than apparently bending to calls for immediate conviction – and that the death penalty not be carried out. PCHR is concerned by the use of such executions as this is the second time in six months that this penalty has been imposed (after the execution of the Abu Sultan brothers on August 30, 1998). In both cases, Military Courts were set up and issued their decisions in a very short period of time without proper legal safeguards. While most countries in the world are moving away from the death penalty, it seems that the PA is going in the opposite direction. PCHR expresses its opposition to the death penalty regardless of the reason for its imposition. Finally, PCHR is particularly alarmed by the use of the death penalty against someone convicted of causing public disorder. There is a real danger that this sets a precedent for the politicization of the death penalty for future use against political opponents.

1 June 1999

The Centre issued a press release regarding a letter sent by it to the Office of the Palestinian Attorney General urging it to investigate the complaint of Ra'id Ibrahim Al-Ghamri who was severely beaten on May 26 by members of the Palestinian Preventive Security Forces.

According to sworn statements from Al-Ghamri family members and other information gathered by PCHR, Al-Ghamri, 19 years old and in his first year at Al-Azhar University, was severely beaten by members of the Preventive Security Forces for apparently personal reasons unrelated to their official work. According to the medical report, Al-Ghamri's face and feet were swollen and there were clear indications of heavy beating all over his body.

Following the May 26 incident, PCHR immediately submitted a letter to the Office of the Palestinian Attorney General urging an investigation and in order to ensure that those involved in the beating would be brought to justice. In this case, as on many other occasions, PCHR condemns torture and physical attacks on citizens by individuals working with the Palestinian Security Forces. This position holds whether these security personnel members are exploiting their

positions to carry through with personal attacks or pursuing official work. PCHR believes that such activities and behavior contradict local Palestinian law and international human rights law. PCHR also believes that the Palestinian civil judiciary is the only appropriate body to which this sort of personal complaint should be brought. Using the power of one's office to pursue personal vendettas and to mete out physical punishment is absolutely unacceptable in a society seeking to base itself on the rule of law.

2 August 1999

The Centre issued a press release on the killing of two citizens within 24 hours as result of the misuse of weapons. Nidal Alwi El Harki, 15 years old from Gaza, was fatally shot in the chest on 31 July 1999, in an accidental shooting. The incident took place when El Harki was participating in a wedding in which bullets were fired in celebration. In addition, the citizen Khalid Qadoum was shot in the hand.

Also on 31 July 1999 Hamada Udah Abu Shaqrah, 19 years old from, was fatally shot in the abdomen. Abu Shaqrah was killed when one of his family's members was playing with a weapon obtained from one of the participants in a wedding in the area.

The press release mentioned that PCHR has warned on more than one occasion of the danger of playing with and misusing weapons, and called for all the necessary measure to be taken to stop this phenomenon.

(3) The Continuing Work of the State Security Court

Despite 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. On 1 November 1999, the Palestinian president Yasser Arafat issued a decision to create the position of State Security Court's Attorney General, which is clearly a move which strengthens the position of this court, rather than moving towards their abolishment.⁶⁸

Issuing Death Penalty Sentences

⁶⁸ Concerning this matter see page 120 of this report.

The year 1999 witnessed three cases in which the State Security Court issued a death sentence. In two cases the condemned were members of the Palestinian Security forces, while the other is a civilian.⁶⁹ In addition, a death sentence was issued by the military court against a colonel in the Palestinian Security Forces. The latter sentence was executed. All the trials of the state security courts were characterized by their lack of the minimum criteria for a fair trial, and by being subjected to political pressures to issue the death penalty in a manner that seriously threatens the independence of the judiciary.

PCHR repeat its opposition to the death penalty, as it is a clear violation of the right to life, and furthermore, it does not deter crime.

Press Release on the Work of the State Security Courts

10 March 1999

The Centre issued a press release on the State Security Court sentencing Ra'id Ahmed El-Attar (25 years old from Rafah) to death by firing squad after he was convicted of the willful killing of Sergeant Rifat Mohammed Joudeh. Mohammed Ibrahim Abu Shammala, 25 years old from Rafah and Osama Suleiman Abu Taha, 24 years old from Rafah were sentenced to life imprisonment and 15 years imprisonment respectively in the same case. As soon as the court announced its ruling, demonstrations erupted in Rafah to protest against this decision. Two citizens were killed and three other citizens were injured, some of the injuries were severe.

The press release mentioned that the three persons who were sentenced by the court were known in the past for their affiliation to *Ezz El-Deen El-Qassam* – the armed wing of the Islamic Resistance Movement, but for the last few months they have been working with the Palestinian special security forces, headed by Colonel Sami Abu Samhadana. On 1 February 1999, they were pursued by members of Palestinian preventative security services. Consequently, Sergeant Rifat Mohammed Joudeh (35 years old from Rafah and a member of the preventative security services) was killed. The three persons fled from the scene, though one of them sustained injuries (Raid Al-Attar). Meanwhile, demonstrations erupted in Rafah, apparently with the support of members of the preventative security services. During the demonstrations, car tyres were burned and the all entries to Rafah were closed off. Demonstrators demanded that the three persons be punished with the most severe penalty.

On 10 February 1999, the three persons surrendered to the Palestinian police and were brought before the State Security Court. The court held its first session on 25 February 1999. In its fifth and final session which was held this morning, 10 March, the court issued its sentences against the accused based on the PLO Revolutionary Penal Code of 1979. Immediately after the court decision, PCHR

⁶⁹ See PCHR's press release, page 110 of this report.

sent an urgent appeal to President Yasser Arafat not to ratify the court decision regarding the death sentence against Ra'id El-Attar.

Soon after the court decision, tension erupted in Rafah where hundreds of civilians protested the ruling and began to throw stones at the Palestinian security forces, who were attempting to disperse the demonstrators. According to PCHR fieldworkers, the demonstrators were not posing any threat to the Palestinian security forces when they responded by shooting randomly with live ammunition. Ala Jumaa Al-Hams (17 years old from Rafah) was killed after he was shot in the head and Khamees Mahmoud Salama (also 17 from Rafah) was also killed after he was shot in the chest.

PCHR fieldworkers reported that 3 other persons were injured, including a ten-year-old child. They were all transferred to Nasser hospital in Khan Younis.

The press release expressed PCHR's deep concern over the deterioration of the situation in Rafah, in light of the State Security Court decision. On previous occasions, PCHR and other Palestinian human rights organizations have criticized the establishment of the State Security Court and its continuous activity. This court does not provide even the most basic standards for a fair trial and when it comes to the death penalty, the situation is even more critical.

Accordingly, PCHR demanded in its press release the following:

1. The death penalty should be abolished by the PA and President Arafat should not ratify the death penalty against Ra'id El-Attar.
2. The State Security Court should be abandoned and the PLO Revolutionary Penal Code of 1979 should also be cancelled, as it is an unconstitutional code.
3. The PA should investigate the events in Rafah, which led to the death of two civilians and bring those responsible to justice.
4. The Palestinian civil judiciary should be promoted and empowered with full delegation in accordance with Palestinian law. In this respect, PCHR calls upon the PA to appoint a Chief Justice and an Attorney General, since these two positions are still vacant from last year.

26 August 1999

The Centre issued a press release on the death sentence imposed against a resident of Rafah. The press release reported that the Palestinian State Security Court issued tonight a death sentence by firing squad against Iman Mohammed Abu Saada, 27 years old from Rafah, after the Court convicted him of the deliberate murder of Lieutenant Hani Abu Zena, 43 years, also from Rafah. Lt. Abu Zena was attending a family dispute in Rafah in the course of his law enforcement

duties on the evening of 23 August when he was fatally wounded by blows to the head. He died in the hospital the next day.

On 26 August 1999 the State Security Court, which was formed by a decision from President Arafat, convened to hear this case. In his petition to the Court, the General Prosecutor recommended imposition of the death sentence against the first accused, Abu Saada. The petition was based on article 378 of the Palestinian Military Penalty Law for the PLO of 1979. The maximum penalty was also recommended against three other accused, under the same law.

In a press release issued yesterday, Wednesday 25 August, PCHR condemned the crime, which resulted in the death of Lt. Abu Zena in the course of his duty. PCHR demanded also that all those involved in the killing be brought before the civil judiciary. On the contrary a State Security Court was formed to hear the case and, within six hours, imposed the death sentence against one of the accused. No appeal is possible from this Court decision, which can be implemented only after ratification from President Arafat himself.

The press release reiterated PCHR's condemnation at the killing of Lt. Abu Zena, and expresses its deepest sympathy to his family at their loss. However, PCHR emphasizes the following;

1. PCHR expresses its deep concern that this case has been brought before the State Security Court, and believes that the operation of this Court undermines the Palestinian civil judiciary. PCHR also believes that the Palestinian Military Penalty Law of 1979 is unconstitutional.
2. PCHR believes that the very speed of this trial, lasting less than six hours, during which the session was adjourned twice, prevents any possibility of it meeting the basic requirements of a fair trial. The case before the Court involved very serious charges, of deliberate murder, carrying a maximum penalty of death. Furthermore, the decision cannot be appealed.
3. PCHR reiterates its position against the death penalty, believing that it is not a deterrent to crime, and regrets the fact that we here in Palestine are implementing this sentence while the rest of the world is moving against and away from this penalty.
4. PCHR appeals to President Arafat not to ratify the Court ruling.⁷⁰

1 September 1999

PCHR issued a press release on a letter received from the Head of the Police Department in response to PCHR's press release about the imposition of the death

⁷⁰ Until now the death sentence has not been implemented. Nevertheless, there is no decision issued by the PNA's president to cancel it.

penalty. The press release reported that on 28 August 1999, Raji Sourani, director of PCHR, received a letter from General Ghazi Jabali, head of the Palestinian National Authority Police Department. The letter was related to PCHR's press release of 26 August 1999 (ref: 81/99), regarding the imposition of the death penalty by the State Security Court in the case of Abu Saada. In its press release PCHR criticised the State Security Court, and the PLO Military Penalty Law of 1979 upon which the Court based its sentence. PCHR also criticised the speed at which the trial was conducted and reiterated its position against the death sentence. Furthermore, PCHR appealed to President Arafat not to ratify the Court's decision.

In his letter to PCHR, General Jabali asserted that all PLO laws, including the Military Penalty Law of 1979, are constitutional according to Presidential Decree Number 1. General Jabali also added that PCHR's objective in criticising the State Security Court was to satisfy the funders of the Centre without regard to national interest and the rule of law. He added that "the words of those who have sold both their conscience and their pen to the interests of those who want neither a State nor a law in Palestine count for nothing". Copies of the letter were also sent to police offices throughout the West Bank and Gaza Strip "to acquaint them with the position of Raji Sourani and human rights organisations". In the light of this letter PCHR emphasises the following:

1. The first Presidential Decree issued 20 May 1994, states only that laws, regulations and orders which were in effect in the West Bank and Gaza prior to June 5 1967 were valid. It says nothing about PLO laws, including the Military Penalty Law of 1979. Accordingly PCHR insists that the Military Penalty Law of 1979 is unconstitutional.
2. The Centre does not raise any question about the legality of the death penalty according to applicable laws in the West Bank and Gaza Strip, rather it expresses its position against the death penalty and reiterates its demand that it be abandoned.
3. PCHR reiterates its position against the State Security Court, which lacks the minimum requirement for a fair trial and undermines the civil judiciary.
4. PCHR finds it necessary to make the contents of General Jabali's letter known publicly, but is confident that the baseless accusations implied in the letter will not obstruct our work to promote the rule of law and to protect human rights.

27 December 1999

The Centre issued a press release on the Palestinian State Security Court sentencing to death the Citizen Hashem Abu Nahel, 22 years old. The press release reported that the state security court convened on 27 December 1999 to

consider the case of the murder of Ayman Mahmoud Abu Nahel who was fatally shot on 23 November 1999 in the context of a family dispute, and sentenced Hashem Abu Nahel, a member of Palestinian Police Force, to death after he was convicted of deliberate murder. The press release added that the death sentence against Abu Hashem is the fourth similar sentence in Gaza Strip during 1999. The Press Release explained that on the court session of 20 December 1999, the defense lawyer Mr. Abdel El Rahman Abu El Nasser, Head of Bar Association, ceased his representation of his client, in protest at the unconstitutionality of the court. A three-member council of the defense was appointed by the court, this was originally joined by a fourth lawyer authorized by the family of the defendants who also resigned from the case in protest.

In its session held on 26 December 1999 the court rejected an application by the lawyer Ali El Naouq who argued that the defense council which had been appointed by the court was contrary to the law which restricts the practice of the legal profession to lawyers registered in the bar association. Mr. Naouq's arguments implied that the lawyers who were appointed by the court were not registered with the bar association.

Finally the press release expressed PCHR's condemnation for the sentencing of Ayman Abu Nahl to death and:

1. Appealed to President Arafat not to ratify the death sentence.
 2. Reiterated its position against the state security court as it lacks the minimum requirements of a fair trial.
2. Expressed its deep concern about the repeated imposition of the death penalty by the state security court.
 4. Restated that the death penalty violates the rights to life, and does not deter crime.

Response of Dr. Anies El Qasem to the Letter from the Director General of Police to PCHR

The Centre is publishing the response of Dr. Anies El Qasem to the above-mentioned Police General Director's letter to PCHR. Dr. El Qasem is a famous lawyer, and expert in law, and was the legal advisor to the Palestinian negotiation team to Madrid negotiations in Washington.

"I have read the letter which was sent by Brigadier Ghazi Jabali, General Director of Police, to Mr. Raji Sourani, Director of PCHR, on 28 August 1999 concerning the comments of Jabali on PCHR's press release concerning the death penalty against the person convicted with killing Officer Hani Abu Zina. At the outset, I would like to express my condemnation of the use by Ghazi Jabali, who has a long revolutionary

experience and who was stamped by revolutionary ethics, of certain terms that contradict with the nature of his job. I wonder about his statement regarding the goal of the Centre's press release, which he claimed was "the satisfaction of parties which finance the Centre, regardless of the country's interests and the rule of law." This statement is self contradictory because the Centre, in a similar way can answer him by saying that the PNA campaign against the Centre is intended to satisfy the parties that pay the salaries of the PNA employees, which are the donors and Israel, since Israel is the party which collects some taxes on behalf of the Palestinian Authority.

Moreover, I express my strong condemnation at the behaviour of Brigadier Jabali when he gave himself the right to decide which parties are working in the favour of the country and which are working against. When the matter reaches this level of rhetoric, it means that we are heading towards the atmosphere of a dictatorship.

I ask what is the source that grants the Brigadier Jabali this mandate to judge such matters? Mr. Raji Sourani does not need any proof from me of his commitment to the interest of the country, and I am not even delegated to grant him such approval. But certainly, and according to my knowledge, there is no basis for suspecting his commitment to the country or any proof of his association with parties working against the interests of the country.

I would now like to move to the points raised by Brigadier Jabali in his letter.

- 1) The Revolution Penalty Law of 1979 is a law of revolution and not of state. The PLO leadership did well when it drafted this law, at the time. The aim was to organise the situation of the Palestinian resistance movement, the members of which were residing in different countries. In this regard, there is a similar example in which the Chinese revolution, during the revolution, drafted a similar law. But when the revolution succeeded and came into power it drafted a new penalty law. The same can be applied in the Palestinian case, after the Palestinian leadership returned to the Palestinian Authority controlled areas and after President Arafat announced the continuing application of Palestinian laws that were in force before the 1967 war. In fact, the Penalty Law of 1979 was not included in these laws, and it should not be. If the situation is different from this, that means that there should be three penalty laws in the PA controlled areas, a matter that is legally unacceptable.

I would like to bring to the President's attention that the continuous working of the Palestinian laws that were in force before 1967 is a decision that has political and legislative implications. These are the assertion of the continuity of the legislation process in the Palestinian territories. Regarding the Penalty Law of 1979, it is a Diaspora law and must be cancelled because it was drafted under specific conditions and circumstances, not to govern the legislation process in a civil society.

- 2) The lack of opposition by the Chief of Justice, the Minister of Justice, or the Attorney General, to the presentation of this case before the State Security Court will not change, since the Chief of Justice is not delegated to decide whether the measures are legal or not. The case in principle was not brought before him. Concerning the Minister of Justice and the Attorney General, they have, in fact, no interest to prove that the measures are illegal, since they are responsible for the prosecution.

Concerning the statement of Jabali that the Centre, in its opposition to the measures, has attacked the right of others. It is an unfair statement since the human rights organisation and the lawyers (Brigadier Jabali studied law) and the rule of law defenders, have an essential and influential role in criticising the judicial measures and in following them up with suggestions to improve without being accused of attacking the right of the Minister of Justice and the Attorney General. I would mention that the International Commission of Jurists, Geneva asked me, in 1994, to represent them in observing the military trials that were taking place in Egypt to sentence three members of the Islamic Movement there. I attended the sessions of the trial and was welcomed by the head of the military court, I was also welcomed by the head of the High Court Administration. They did not try to bring my role as an observer of the military court, or the civil court measures, into suspicion. They did not accuse me of having connections with a foreign party, or of intervention in the judicial mandates.

- 3) Any trial that lasts only a few hours, and furthermore issues a death penalty in this time, is a shame on the judiciary, whichever branch. The forming of the State Security Court in the Palestinian Authority controlled areas, is wrong in principle and the ongoing work of the courts is a sin. Since the State Security Court is undermining the rule of law, which is considered the basic foundation of any civil society and frustrating the people's expectations to have a strong and independent national judiciary after the decades of Israeli occupation destroyed the national judiciary and destroyed the people's expectations.

We still hope that Brigadier Jabali will look at this matter with an open mind and that his commitment to the country will not blind him to the fact that there are others equally committed."

(4) The Non-Implementation of Court Decisions

Despite the criticism by NGOs during the last few years of the non-implementation by the PNA of the courts' decisions, 1999 witnessed an increase in the number of violations of the decisions of the Palestinian courts by PA 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.

The PNA's undermining of court decision can be clearly seen through the PNA's continuing detention of citizens for political reasons, despite court orders to immediately release them because of the illegality of their arrest. The following is a list on the names of prisoners whose cases are followed by PCHR, and who still under detention despite a court order for their immediate release.⁷¹

No.	Name of the Prisoner	Date of issuing the decision
1	Wa'il Ali Faraj	20/2/1999
2	Amien Shafieq Dieb	10/6/1999
3	Abed El Nasser Karsou'	1/7/1999
4	Mohammad Musa Jadallah	6/7/1999
5	Abed El Rahiem Jahjooh	3/10/1999
6	Adel Abed El Rahman Aqel	6/10/1999
7	Fawzi Mohammed Abu El Qarah	18/10/1999
8	Khalied Ibrahim Khaliel	19/10/1999
9	Waiel Taleb Nassar	8/11/1999
10	Khaliel Ibrahim Auda	8/11/1999

Press Releases about the Non-implementation of Court Decisions

29 September 1999

The Centre issued a press release reporting that two days after the Central Court Decision to release Dr. Abdel Aziz Rantisi the Palestinian Police continue to detain him, claiming that he can be held on another charge, without giving details. The Central Court in Gaza convened on 27 September 1999 and issued its decision to release Dr Rantisi with a bond of about 3000 NIS.

Dr Rantisi, who is a prominent figure in the Islamic Movement in the Gaza Strip was detained by the Palestinian police on 9 April 1998. The Palestinian Centre for Human Rights adopted Rantisi's case and called on the Attorney General, through the Palestinian High Court, to explain Dr Rantisi's arrest and detainment, which was in contradiction with legal measures and procedure.

⁷¹ In addition to these names there is also Dr. Abed El Aziz El Rantisi whose cases was adopted by PCHR. On 4 June 1999 a high court's decision to release Dr. El Rantisi was issued, but he remained under detention. On 8 August 1999 Dr. El Rantisi was arrested once again. Moreover, despite a decision issued on 27 September 1999 by the Central Court to release El Rantisi on bail, El Rantisi is still under detention. See PCHR's press release in this regard below.

4 June 1998 the Palestinian High Court ordered the immediate release of Dr. Rantisi, for the illegal measures in his detention. However, the Palestinian police refused to implement the Court's decision and continued to detain Dr Rantisi until 19 July 1999 when he was released after the death of his mother.

On 8 August 1999 was arrested again and accused of disseminating false information in an attempt to terrorise the public (against Articles 95, 60 and 62 of the Palestinian Penalties Law of 1936). On 26 August 1999 the Reconciliation Tribunal in Gaza issued a decision rejecting the request to release Rantisi which was submitted by his lawyer. The request was rejected by the Tribunal in order to give the Attorney General one week in which to complete the interrogation of Rantisi and to forward a statement by the accused.

(5) The Filling of the Chief Justice Position

On 11 June 1999 the Palestinian president Yasser Arafat appointed Radwan El Agha to the position of Chief Justice and Head of Palestinian High Court. The position was vacant since February 1998, after the retirement of the former Chief Justice Qusi El Abadllah.⁷² The vacancy of the Chief Justice position had a negative impact on the Palestinian Judiciary, the independence of the judiciary, and efforts aim at enhancing and supporting the rule of law, separation of powers, and the institutionalization process. Moreover, it reflects the PNA's undermining of the Palestinian judicial authority, and its attempt to marginalize it.

In a following step the Palestinian president Yasser Arafat issued on 19 September 1999 a decree asserting the mandate of the Chief Justice, a mandate which had been subjected to interventions by the PNA in a way that negatively influenced judicial independence. The decree stated that the administration of the judicial system, and the appointment of judges and other employees, is the responsibility of the Chief Justice, Head of the High Court, in all Palestinian governates. The decree added that no person or institution, may intervene in judicial issues.

PCHR hopes that the appointment of the Chief Justice, and the presidential decree asserting his mandate will contribute to enhance and support the Palestinian judiciary, and will be followed by a serious effort by the PNA to support the independence of the judiciary. These steps must be followed by issuing the Law

⁷² The head of the General Personnel Office of the PA decided to retire the Chief Justice, Counselor El-Abadllah, effective February 16, 1998. This decision came in a letter dated January 17, 1998, and sent by the president of the General Personnel Office to El-Abadllah. 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.

of the Judiciary, by appointing the Higher Judicial Council, and by allocating an independent budget for the judiciary.

Press Release on the appointment of the Chief Justice

14 June 1999

The Centre issued a press release expressing its satisfaction with the Palestinian Authority's president Yasser Arafat's decision to appoint Mr. Radwan Agha as the Chief Justice from 11 June 1999.

The press release expressed PCHR's hopes that this very important step will contribute to strengthening the Palestinian judiciary and improving the work of the Palestinian courts through promoting the rule of law and the independence of the judiciary. At the same time, PCHR called upon the Palestinian Authority to take progressive action in this direction and to fill the position of the Palestinian Attorney General, which has been vacant for the last 13 months after the resignation of Mr. Fayez Abu Rahmeh. PCHR believes that the positions of the Chief Justice and the Attorney General serve as basic safeguards for the system of justice and the rule of law in Palestine. These positions are also critical to ensuring the independence of the judiciary and the separation of powers.

27 September 1999

The Centre issued a press release about the Presidential Decree affirming the independence of the Palestinian judiciary. The press release reported that on 19 September 1999, the President of the Palestinian Authority issued Presidential Decree 28/99, which reaffirmed the jurisdiction and the mandate of the Palestinian Chief Justice. The Chief Justice's jurisdiction has been subjected to intervention and interference in the last four years. This interference has contributed to undermine the independence of the Palestinian Judiciary and obstructed the proper operation of the justice system. The Presidential Decree affirmed once and for all that the administration of the judiciary is mandated to the Chief Justice, the head of the High Court of Justice of Palestine. It also affirmed that no other person or office is authorised to intervene or interfere in judicial affairs.

The press release expressed PCHR's deep satisfaction with the Presidential Decree and the belief that it is a positive step towards ensuring the independence of the judiciary and respect for the office of Chief Justice and his mandate. PCHR sees this step continuing positively the direction set by the recent appointments of the Chief Justice and the Attorney General and the passing of the Law Organising the Legal Profession. All these are positive measures taken by the Palestinian Authority to support the Palestinian judiciary and justice system.

Moreover it expressed PCHR's hopes that the Presidential Decree will be followed by other measures in this track including, *inter alia*, passing the Law Regarding the Independence of the Judiciary, the formation of a Higher Judicial Council and the allocation of an independent budget for the administration of justice. It is also necessary that the Palestinian Judiciary be protected from the intervention of any other public offices, and in particular action must be taken against those law enforcement agencies who continue to defy the Courts' ruling and orders.

Finally PCHR hopes that the Presidential Decree will contribute to the strengthening of the Palestinian judiciary and to improving the operation of the Courts, thus contributing to the rule of law and the independence of the judiciary in Palestine.

(6) The Filling of Attorney General's Position

On 19 June 1999, the Palestinian President Yasser Arafat appointed Zhier El Sourani to the Attorney General position. The position had been vacant since May 1998, after the former Attorney General Fayiz Abu Rahma resigned in protest of the PNA's constant undermining of his mandate.⁷³

According to the law, the Attorney General position is one of the most important official positions, whose role is to achieve the rule of law and protect citizen's rights. The Attorney General is the protector of the public right, and is responsible for investigating crimes and handling all appeals in this regard.

In his first statement for the local press the new Attorney General promised to reorganize the Attorney General's office in a way that would contribute to enhancing the role of law, and to immediately follow up all cases which came to his office. Moreover, he promised to implement the law equally for all regardless of political affiliation, race, ethnicity, and economic or social factors. He affirmed that equality before the law and the rule of law is considered the foundation of the state.⁷⁴

Despite the statements of the new Attorney General, his actual practices in 1999 were not as expected by human rights organizations and citizens, especially in regard to very sensitive issues. Amongst these is the issue of political prisoners. Hundreds of opposition supporters, particularly those of the Islamic party, were subjected to illegal arrest and were held without being brought before a judge. Of

⁷³ The Attorney General's resignation took place 78 days after the retirement of the Chief Justice. It reflected the deterioration in the Palestinian judiciary situation. The PNA, and the bodies executing the law, did not respect the Attorney General's decisions. Since the beginning of 1998, the Attorney General's mandates had been undermined. The vacancy of the posts of both Attorney General and Chief Justice was criticised by human rights organizations.

⁷⁴ The Attorney General's statements were published in Al Ayaam News paper on 20/6/1999.

51 appeals sent to the new Attorney General on behalf of detainees, PCHR had received only three responses by the end of 1999.

In addition, no change has taken place concerning the stance of the Attorney General regarding the appeals before the High Court concerning detainees during the second half of 1999. For example, PCHR usually applies to the High Court asking the Attorney General to explain the reasons for arresting or holding a particular citizen contrary to law. The Attorney General's representative usually answers by asking for a respite to explain the reasons for holding or arresting the mentioned citizens. After the period allowed by the court has expired, the Attorney General usually responds that the holding or the arrest of the mentioned citizen is legal. Later, it is almost always discovered that the Attorney General does not even have the file of the mentioned citizen. Accordingly, the court orders for the immediate release of the citizen. This process has been repeated in tens of cases during 1999.

The Attorney General is responsible for following up the court's decision and securing its respect and implementation. In addition, the Attorney General is responsible for taking all necessary legal measures to punish those responsible for the non-implementation of legal orders, since the non-implementation of legal orders is illegal and punishable by the law according to article 143 of the Penalty Law of 1936. In fact, the Attorney General has not taken any actions against the non-implementation of the court's decision by the Palestinian police.

Moreover, the Attorney General is responsible for investigating citizen's complaints against the executive authority. During 1999, PCHR submitted 14 complaints concerning the behavior and actions of personnel working in the Palestinian security forces. PCHR has not received any response to these complaints.⁷⁵

Appointment of an Attorney General for the State Security Courts.

On 1 November 1999, the Palestinian President Yasser Arafat issued a decision to appoint Khalid El Qadrah as Attorney General for the State Security courts. The Attorney General for State security courts specializes in "investigating and following up cases concerning the state security courts". The formation of the state security courts took place on February 1999. The work of these court were subjected and are still subjected to the criticism of Palestinian human rights organizations, due to their lacking the minimum criteria for a fair trial, and their violation of human rights guaranteed by international conventions.

The decision of evolving the new position is unprecedented, the only legitimate defender of the public right is the Attorney General. Accordingly, the creation of

⁷⁵ In addition to these complaints, complaints were brought against: the journalist Khaliel El Zibin, El Hayaa newspaper, and the journalist Munir Abu Rizq. The Attorney General opened an investigation into these complaints, but no action has so far been taken. See page 132 of this report.

the Attorney General for State security courts is considered to be an attempt by the PNA to create a competitor for the Attorney General in his mandate. It is neither logical nor legitimate to grant the right of public prosecutor to more than one party, as this opens the possibility for the police to transfer cases to whichever party it prefers. It is worth mentioning that the Presidential decree to form the State security courts stated that the Attorney General would be responsible for prosecutions before the State security courts, with no mention of an Attorney General of State security.

Press Releases on Attorney General

20 June 1999

PCHR issued a press release expressing its satisfaction with Palestinian President Yasser Arafat's decision yesterday to appoint Mr. Zuheir Sourani as the Attorney General for the Palestinian Authority. This position had been vacant since the May 1998 resignation of Mr. Fayez Abu Rahmeh. Sourani was a High Court of Justice judge, head of the Palestinian Criminal Court, and head of the Elections Appeals Court.

The press release added that PCHR hopes that the appointment of the new Attorney General will contribute to the promotion of the rule of law and the protection of human rights. PCHR receives with optimism the new Attorney General's statements to local newspapers in which he commits himself to re-organizing and re-arranging the office of the Attorney General and the overall system of prosecution. The next period will be vital in assessing whether the new Attorney General will exercise the full range of his responsibilities in accordance with the law and especially in his relation with law enforcement bodies.

9 November 1999

The Centre issued a press release in which it criticized the Palestinian president's decision to create the position of Attorney General for the state security courts. The press release described this decision as a step backward from a series of measures received with pleasure by human rights organizations, and aimed at enhancing and supporting the Palestinian judiciary. These steps include the filling the Chief Justice position (11/6/1999), and the Attorney General position (19/6/1999), issuing the Law of the Legal Professional (24/6/1999), and the issuing of Presidential decree 28/99 which reaffirmed the mandate of the Chief Justice (19/9/1999). These steps had created the impression that the PNA genuinely intended to move forward in supporting judicial independence.

In its press release, PCHR expressed its deep concern about the president's decision to appoint an Attorney General for the State security courts, and described it as a significant step backwards on the road toward enhancing the independence of the judiciary, for the following reasons:

1. The decision will strengthen the existence of the State security courts rather moving to abolish them as called for.
2. The appointment of Mr. El Qadra takes place after removing him from his former position as the Attorney General for reasons not announced by the PNA, and after his work as attorney general was criticised by a number of individuals and groups.
3. The appointment and the creation of an attorney general for state security courts are unprecedented. The decision can be explained only as an attempt by the PNA to create a competitor for the Attorney General. It is worth mentioning that the presidential decree to form the state security courts stated that the Attorney General would be responsible for prosecutions before these courts, with no mention of an attorney general for state security.

For the above-mentioned reasons PCHR's press release called on the PNA's President to cancel this decision and to move forward towards supporting and enhancing judicial independence by issuing the Law of the Judiciary.

In the same time, the press release called on the President to abolish the state security courts and to bring those who were tried by the state security court before the civil courts in order to retry them in a fair trial, and with an adequate defense.

(7) The Palestinian Legislative Council

Since the inauguration of the Palestinian Legislative Council in March 1996 the Centre has devoted a significant effort to monitoring the Council's work and to encouraging it to adopt legislation in accordance with democratic principles and human rights criteria.

The Centre monitors 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.

The Centre had developed a new report on PLC. The aim of the report is to evaluate the PLC activities in regard to its tasks of legislation, monitoring, and

accountability. In November 1998 the Centre published its first annual review of the Palestinian Legislative Council. The report is one of the indicators through which PCHR's Democratic Development Unit can measure the process of democratic transformation in Palestine. PCHR hopes that this report will contribute to enhancing and promoting democratic practices in Palestine.⁷⁶

Conclusions and Recommendations: Evaluation of PLC's third session (March 1998-March 1999).

In December 1999 PCHR published its second annual review report of the Palestinian legislative council entitled: "The Palestinian Legislative Council: Evaluation of its activities during the third session, between March 1998-March 1999". The overall goal of this report, and others, is to measure the process of democratic transformation in the Palestine, and the obstacles that negatively affect it.

The study is divided into three parts: the first part introduces the PLC activities concerning the election of its Speaker, the Council's committees for the third session, in addition to other issues. The second part focuses on analyzing and evaluating the legislative activities of the PLC during the third session. It introduces the most important laws and decisions issued by the PLC during the session in order to find out to what extent an improvement took place on the PLC activities in this regard. Then it moves to analyse five laws, as case studies, to investigate the nature of the relation between the PLC and the executive authority and the extent to which an improvement can be seen in this regard since the first two sessions. The five laws studied are, the Basic Law, the Judicial Authority Law, NGOs Law, the Public Budget Law for 1998, and the Civil Servants Law.

The third part of the study focuses on analyzing the accountability and monitoring activities of the Council during the session. It analyses the extent to which the Council was make progress in its use of the available accountability and monitoring instruments; such as members questions, investigations, special commissions of inquiry, and no-confidence votes.

Through its analysis of the legislative activities of the PLC in its third session the study concludes that the PLC showed quantitative developments in this regard. The PLC drafted a number of important laws towards achieving the goal of establishing a unified legal system with the West Bank and the Gaza Strip. On the other hand, however, the study did not find qualitative developments in the PLC's legislative activities. Through its analysis of the five cases (listed above) the study notes that the achievement of the PLC fell below expectations. The council failed to use these laws as a means to create an essential change in the nature of the relation between it and the executive authority, a relation which is based on a lack of respect by the executive authority for the role of the PLC and the legislative process. Moreover, the study concluded that the PLC had still failed, after three

⁷⁶ A copy of the report can obtained by contacting PCHR.

years, to bring the basic law into force despite the approval of this law by the PLC in its third reading.

Concerning the monitoring and accountability activities of the PLC, the study concludes that the PLC's effective usage of the accountability instruments had also declined. The number of questions posed by PLC members to executive officials decreased compared to the first and second sessions. Also, there was no development in the Council's usage of investigative instruments. Nor were there any qualitative improvements in the area of special commissions of inquiry. The Council was not able to oblige the executive authority to implement the recommendations and suggestions of the commissions of inquiry. Moreover it was unable to force the Executive to draft a law through which commissions would have the power to require people to testify before them. Only quantitative developments were seen, an increase in the number of special commissions of inquiry formed during this session. Regarding no-confidence vote usage, it is noted that this instrument was not used at all by the PLC during this session, and was not included in the agenda of any meeting of the session. The possibility of its usage was mentioned only as means of a threat.

Based on the above, the report concluded that the PLC, at the end of its third session, (which should be its final according to the Israeli-Palestinian Interim Agreements), had become weaker and more isolated than at the end of the first two sessions. Once again the PLC showed weakness and inability to confront the executive authority. It also failed to build a solid basis of transparency and accountability in its relation with the executive.

Recommendations to PLC

The recommendations are as the following:

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 on 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 Expiry of the PLC's legal Period

On 4 May 1999, the interim period was supposed to be end according to the interim agreements.⁷⁷ According to Israeli- Palestinian Interim Agreements on the West Bank and the Gaza Strip, the Palestinian Legislative Council would be elected for a period not exceeding five years from the date of signing of Gaza-Jericho agreement on 4 May 1994. In fact this date has now passed without ending the interim period, and without any other date being set for its end.

Despite its announcements that it would declare a Palestinian state by the end of the interim period, the Palestinian leadership decided to postpone the declaration. At the close of its exceptional meeting held in Gaza between 27-29 April 1999, the Palestinian Central Council decided to extend its meeting and discussion concerning the Palestinian State announcement until June 1999, after the Israeli

⁷⁷ Article (I) of Declaration of Principles on Interim Self-Government Arrangements signed between the government of Israel and the PLO on September 13, 1993 provides that "the aim of the Israeli-Palestinian negotiations within the current middle east peace process is, among other things, to establish a Palestinian interim self government authority, an elected council (the council) for the Palestinian people in the West Bank and Gaza Strip, for a transitional period not exceeding five years leading to a permanent settlement based on security council resolutions 242 and 338."

general election. The Central Council did not adopt any clear stance toward the end of the interim period.

Accordingly the legal term of the PLC expired without holding an election. This clearly contradicts democratic principles, particularly the principle of election, which is the only mechanism through which people can delegate their representatives to govern on their behalf. It is well known that the people's delegation to their representatives is temporary, for a specified period of time, and that at the end of this period, the people have the right to elect new representatives. Therefore, the election is a mechanism through which people can monitor their representatives. Elections grant people the opportunity to withdraw their delegation from a party or individual, and to grant it to another party or individual. Elections, therefore provide both a mechanism for the people to monitor their representatives, and an impetus for those representatives to fulfil their electorates mandates. In the absence of regular elections people lose the ability to monitor and hold accountable their representatives. Further more, the representatives lose their legitimacy as representatives of the people at the end of their elected term. In this case the source of their legitimacy is no longer the people.⁷⁸

The Legislative Council condemns "Petition 20"

On 27 November 1999 a press release criticising the PNA's practices was published to the general public. The press release accused the PNA of adopting a "policy of corruption, domination, and exploitation of the Palestinian people". The press release was signed by 20 public figures, 9 of whom are PLC members. In response the Palestinian authority adopted strict measures against all the signatories, except the Palestinian legislative council members, who were protected by parliamentary immunity.⁷⁹ Nonetheless, some PNA officials

⁷⁸ There was supposed to be a by-election in the Gaza constituency on May 29, 1998 to elect the new member to the council to replace the resigned member Dr. Haider Abdel El Shafi. The legislative council accepted the resignation of Dr. Abdel El Shafi on March 30, 1998. In his resignation letter, Dr. Abdel El Shafi expressed his belief that "the executive authority had turned its back on the requirements of constitutional coordination and cooperation". He asserted that "the executive authority's undermining of council initiatives to adopt the Basic Law provide strong evidence of the negligence policy it was following in relationship to the council". He 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 El Shafi's resignation. However, the Court of Election Appeals met regarding the 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 of 1995. On May 20, 1999, the court decided to cancel the election. Consequently, the position of the resigned member, Dr. Abdel El Shafi, remains empty.

⁷⁹ The house arrest was imposed against Bassam El Shaka, and Wahied El Hamd Allah. Also Ms. Asmaat El Shakhshier was summoned, but later released. Moreover, Dr. Abdel El Staar Qasem, Adnan Auda, Dr. Abed El Rahiem Kanana, Dr. Adel Samara, Ahmad Shaker Dodien, Dr. Yasser

demanded that the parliamentary immunity of these members be lifted in this case. The PNA described the press release as devious and a direct insult to the President Yasser Arafat.

In a closed meeting held in Gaza on 1 December 1999, the Palestinian legislative council discussed the press release, and issued another press release condemning it, calling on the President Yasser Arafat to release the detainees. Moreover, it issued a warning to the 9 members who signed the press release.

Two Palestinian Legislative Council Members are Attacked

In 1999 two of the Palestinian Legislative Council's members were attacked after the circulation of a press release criticising the policies of the PA. The aggression against the two members is an attack on parliamentary immunity. On his way back to Nablus after participating in the above-mentioned Palestinian legislative council's meeting in Gaza, Dr. Mawyaa El Masri, a Palestinian legislative council member, and one of the signatories to the press release, was attacked by three masked persons. Dr. El Masri was shot in the foot by one of the attackers, and was transferred to hospital. The incident received both official and popular condemnation, and a number suspects were arrested. In response to the attack, Hassan Khrisha, Head of the Monitoring Committee of the PLC said that "the incident will not scare us, and any similar incident will only push us to continue our battle against corruption, and to continue our work to build an independent judiciary, enhance the rule of law, and respect human rights". Khrishah asked that an investigation be carried out into the attack, and that the people responsible be brought before the court. He expressed his belief that the persons directly involved in the attack were Palestinians, but that he had suspicions as to the party behind it.⁸⁰

On 16 December 1999, Abdel El Jawaad Saleh, member of the legislative council, former Minister of Agriculture, and one of the signatories to the press release, was severely beaten by the General Intelligence Forces in Jericho. Saleh testified that he was participating in a peaceful gathering in front of the General Intelligence's prison in Jericho opposing the continuous detention of some public figures as a result of the press release. He added that he asked the General Intelligence director to allow the gathered persons to visit the prisoners. Later on, Saleh was summoned to the prison in a way that gave the impression that his demand to visit

Abu Safia, Ahmad Qatamish, and Dr. Afief Auda, were arrested. On 31 November 1999 the house arrest against El Shaka was removed, and on 19 December 1999 all the detainees except Dr. Abed El Qasem and Ahmad Shaker Dodien, were released.

⁸⁰ Al Hayaa newspaper on 3/12/1999.

the prisoners had been accepted. But when arrived he was lead into a room where he was subjected to severe beating by the general intelligence forces.

In a press release published on 16 December 1999, Palestinian human rights organizations, including the Palestinian Centre for Human Rights, strongly condemned the aggression against Adel El Jawaad Saleh, and asked the Attorney General to immediately take the necessary measures against those responsible. In addition the press release asked the Palestinian Legislative Council to adopt serious measures in order to secure the safety and immunity of its members.

(8) A Campaign Against NGOs

During 1999, the Palestinian Centre for Human Rights monitored the deliberate campaign carried out by some parties in the PNA against Palestinian NGOs in general, and Palestinian human rights organizations in particular. The campaign accused these organizations of corruption, financial mismanagement, and of politicization. The campaign escalated after the publication of the Office of the Special Coordinator in the Occupied Palestinian Territories' report concerning the rule of law in West Bank and Gaza Strip. The report states that donors had committed USD100 million to support the rule of law sector. The report details the projects in which part of this fund was spent. In response, some parties in the PNA expressed their surprise at what was stated in the report, claiming that the funds received by the Ministry of Justice in the last five years was no more than USD 2 million. The remaining USD 98 million, they claimed, had been distributed to Palestinian NGOs.

In the Palestinian Cabinet meeting on 11 June 1999, a decision was concluded to form ministerial committee with the aim of studying the NGOs situation and legislation organizing its work. The local media reported from the Minister of Justice, Frieih Abu Meddien, that NGOs pay reporters USD 500. Dr. Anies El Qaq, Assistant Minister Deputy of the Ministry of Planning and International Cooperation claimed that NGOs recieved about USD 330 million in the last five years. Although the ministerial committee began work a few days after its formation and has already submitted its report, the report has not been made public.

The Timing of the Campaign and Its Goals

The executive authority campaign against the NGOs, particularly against human rights organisations, is not new and is not due to the Office of the Special Coordinator in the Occupied Territories Report. The report and its misinterpretation by the PNA were only the justification to intensify and renew an old campaign for political goals. During recent years statements were made on different occasions by officials in the executive authority with the aim of discrediting NGOs.

Moreover, a number of journalists and writers were paid by the executive authority to defame these organisations, and to bring into question their national

loyalty. The situation worsened when these writers tried to create suspicions regarding some well-known public and political figures. They also accused members of the PLC, well known for their positions in supporting democracy and separation of powers, of using their positions to achieve personal financial gain.

The escalation of the campaign against Palestinian NGOs took place after the Egyptian government carried out similar campaign. The Egyptian campaign culminated in the drafting of a law denying the role of these organisations and imposing strict restrictions on their work. It cannot be denied that the PNA campaign is aimed at limiting the work of NGOs, and denying the role of these organisations in society. In fact these organisations have a distinguished role in fighting for securing the legal rights of Palestinian people and building Palestinian civil society.

Two Visions of Society

The real reasons for the executive authority's campaign against NGOs can be understood with reference to the inherent differences between two basic views of authority and society in Palestine, and throughout the world, and their practical implementation. The first view asserts the role of the state and its domination and monopolization of society's resources. The supporters of this version, which are normally the executive, attempt to achieve governmental control in all aspects of society and to penetrate society by creating artificial social groups moving in the periphery of the authority. These social groups take the form of a group of artificial union institutions, which depend basically on what is given by the authority.

The supporters of this view are pleased when these artificial institutions are formed. The relation between these artificial institutions and the authority take the form of patronage through which the institutions usually are forced to beg for whatever financial assistance they receive from the authority. The supporters of this version believe that the government is the only party that is mandated to give or to prevent donations for whomever and in whatever way. The practical outcome of this vision is a totalitarian state with governmental control over all aspects of life and total state penetration into society, and denial of the basic human rights.

The second view asserts the role of society and its active power. It considers popular participation in decision making and freedom of the individual to be a mechanism through which state monopoly can be checked and balanced. Supporters of this view aim at enhancing and supporting democratic values and principles in society, institutionalization of the process of decision making, and enhancing the role of society through its active power represented by civil society organisations. Supporters of this version fight against governmental penetration of civil society based on their dialectic understanding of the relation between the

requirements of establishing a democratic system and enhancing the rule of law and separation of powers on the one hand, and the efforts aimed at enhancing the independence of civil society and granting the opportunity for NGOs to work freely on the other.

Human Rights Organisations Criticisms

It is well known that human rights organisations support the second view of society. These organisations are doing professional work, aimed at enhancing the rule of law and guaranteeing public freedom, facing human rights violations, enhancing democratic practices, and supporting the efforts to build a democratic governmental system in Palestine. It is clear that the work of these organisations directly confront the interest of the supporters of the first view of society, that supporting state monopoly. During the last four years under the PNA these organisations adopted an opposition stance against a number of illegal measures and practices that are obstacles to the building of a democratic system in Palestine. Amongst these practices are:

- 1) Carrying out waves of illegal arrests;
- 2) Imposing restrictions on the freedom of expression;
- 3) Continuation of the work of the State Security Court;
- 4) Non-implementation of court decisions;
- 5) Undermining the legislative authority and refusing to approve a number of laws passed by the PLC, including the Basic Law, the Law of Judicial Independence, the Charitable Organisations Law; and
- 6) Undermining the role of the Attorney General, and controlling it by the executive authority, including allowing the post of the Attorney General to remain vacant for extended periods.

It is clear that some parties in the executive authority are not happy with the role of the human rights organisations and reject the existence of any form of social monitoring of its practices. Accordingly these parties attempt to accuse these organisations and other NGOs of different unfounded faults in order to prevent them from continuing to carry out their work effectively, and misleading Palestinian public opinion. Furthermore, their discrediting of the NGOs is aimed at suppressing the release of information regarding the activities of the PNA, which contradicts and inhibit the development of a democratic society in Palestine. This is part of the basic work of human rights organisations.

Transparency and Accountability

Most Palestinian NGOs follow the principles of transparency and accountably and are subject to processes to assure this by the Ministry of the Interior. These

organisations accept to be monitored by the Ministry of Interior as a means to assert the transparency in their work. The law that governs the work of these organisations is the Ottoman Charitable Organisations Law of 1907. The law includes the modifications made to it by the Israeli occupation forces in 1981. Until now the modifications are still into force, and are implemented by the Palestinian Ministry of the Interior. This law in itself places restrictions and obstacles in the way of the effort to enhance democracy in Palestine.

A number of Palestinian NGOs are locally and internationally renowned for their honesty and none of them has been proven to be guilty of financial misuse as claimed by the PNA. The budgets of these organisations are audited by international auditing institutions and their financial reports and activities reports are annually published for the public without any reservation. The NGOs are doing so because of their belief in the principle of transparency and in the right of society to monitor their work and practices.

If the PA's concerns are actually related to financial misuse and overspending by some organisations, as claimed by the executive authority, it is not acceptable to generalise the accusations in a way that casts doubts on all NGOs. If any of these accusations have foundation, we are surprised that the PNA did not take appropriate measures against the involved parties, since such abuses cannot be allowed in any case. Palestinian NGOs ask the Palestinian Authority to show its evidence against any organisation, and to take necessary measures in the case of any organisations proven to be involved in abuse of funds, without hesitation. But if the aim is only to cast unfounded suspicions over all NGOs, then it is unacceptable.

Press Release of NGOs' Network and General Union of Charitable Organisations

On 13 June 1999, the NGOs network and the General Union of Charitable Organisations published a press release stating that the uproar which was raised about the fund received by NGOs from donors was "misleading and far from the truth". The press release explained that the funds received by NGOs according to the above-mentioned report is about USD 8.7 million during the last four years, with average of USD 2.2 million yearly, and not USD 98 million as was claimed by some PNA officials. The press release asserted that the NGOs' network and the General Union of Charitable Organisations support whole heartedly the principles of transparency and accountability. In addition, the press release called for the immediate implementation of the Law of Charitable Associations and Community Organisations, which was approved by the legislative council, and which would secure the necessary legal framework for transparency, accountability and the rule of law.

Human Rights Organizations Condemn the Campaign

On 15 June 1999, Palestinian human rights organizations published a press release condemning the attempts to bring their credibility under suspicion, defame their leadership, and bring their national loyalty into question. The organisations expressed their regret over the participation of the Minister of Justice in this campaign. The press release expressed the organisations' concern that the campaign had been designed by some executive parties with the aim of not passing the charitable organisations law. The press release added that the clear goal of the campaign is also to put human right organisations into the position of defending themselves, thereby distracting them from their true work.

In its press release the human rights organisations demanded the following from the Palestinian Authority:

- 1) To issue the charitable organizations law in the form which was approved by the legislative council.
- 2) To immediately appoint an Attorney General to carry out the duties of defending and securing the basic rights of individuals.
- 3) To investigate why the Minister of Justice had not carried out his duties to drafting the necessary legislation for enhancing the rule of law, supporting the independence of judiciary, and securing the respect and implementation of the court's decision by the executives and law enforcement bodies.

The organizations which signed the press release are:

- 1) Palestinian Society for Protecting Human Rights and Environment (LAW)
- 2) Palestinian Centre for Human Rights
- 3) Jerusalem Centre for Economic and Social Rights
- 4) Jerusalem Centre for Legal Aid
- 5) Al Haq
- 6) Palestinian Doctors for Protecting Human Rights
- 7) Centre for the Rights of Associations
- 8) Al Dameer Institute for Human Rights
- 9) Centre of Protecting Freedoms
- 10) Centre for Treating and rehabilitation the Victims of Torture
- 11) Gaza Community Mental Health Programme
- 12) Palestinian Consultation Centre
- 13) Palestinian Commissions for Citizens' Rights
- 14) Democratic Platform
- 15) Women's Centre for Legal and Social Consultation.

PCHR Submits a Defamation Complaint to the Attorney General

On 27 June 1999 the Palestinian Centre for Human Rights submitted a complaint to the Attorney General against Al Nashra Magazine and its editing director

Khaleel El Zibin, and Al Hayaa newspaper, and its editing director Hafez El Barghoti, and the journalist Munir Abu Rizq, reporter for the newspaper.

The complaint followed Al Nashra magazine and Al Hayaa newspaper's publication of false information about the Centre and its administrative board members. The complaint stated that the publication of false information and the accusation of others without evidence is a punishable crime under sections 201, 203, 204 and 208, of the Penalty Law No. 74 of 1936. The publications, which include the false information and accusations against the Centre and its administrative board, were annexed to the complaint.

In a press release circulated by the Centre on 29 June 1999, PCHR said it was confident that the Attorney General would do his best to punish those responsible.

Other Complaints

The Palestinian Society for Protecting Human Rights and Environment (LAW) appealed before the mediation court in Ramallah against Al Hayaa newspaper, its owner Nabil Amr, and its editing director Hafez El Barghoti asking it to pay 100,000 Jordanian dinars in damages for defamation. This followed an interview with Khalil El Zibin published by the newspaper on 24 June 1999 in which Al Zibin claimed that LAW had signed an agreement with the Israeli occupation forces under which LAW committed itself to move its offices from Jerusalem to Ramallah, and to move its work away from Israeli violations of Palestinian human rights and to focus only on the PNA's violations.⁸¹

Moreover, Dr. Haider Abdel El Shafi, the General Commissioner of the Palestinian Independent Commission for citizen's rights, submitted a complaint to the Attorney General against Khleel El Zibin, after El Zibin published an article in Issue 14 of Al Nashra magazine at the end of May 1999 entitled: "The Fat Cats and the NGO's Kings". El Zibin claimed in his article that Dr. Haider Abdel El Shafi and Dr. Mustapha El Barghoti, are at the head of a group of organisations which, with the help of number of legal professionals like Dr. Iyad El Sarraj, Raji El Sourani, and Khadir Shqirat, have built an elite network of people who are skilled in seizing opportunities to monopolize the millions of dollars available for charitable work. PCHR submitted the complaint of Dr. Abdel Al Shafi to the Attorney General. A similar complaint on behalf of Dr. Iyaad El Saraj, Director

⁸¹ On 12 October 1999, Al Hayaa newspaper published the statements of Nabil Amr, Minister of Parliament Affairs, and the owner of the newspaper, concerning the complaints of the human rights organisations against the newspaper. Amr said in his statement that "we respect the right to complain, whether by persons, or institutions. However, we believe that human rights organisations are important, and have to be supported and backed until they reach to their honorable goals." The newspaper quoted Amr concerning the newspaper's criticisms against Khadir Shqirat, Director of LAW, saying that "we do not accept the accusation and defamation of other without evidence, and if thing like that happened we have the courage to apologize for all those who were defamed". Also, Amr called for opening a new chapter in the relations between the press and the NGOs, and repeated his apology to those who were hurt by the defamation. Moreover, he asserted the intention of PNA to continue working with the Minister of NGOs Affairs to mediate any dispute with the aim of serving national goals.

of the Gaza Community Mental Health Programme, was submitted by the PCHR. Moreover, Dr Iyad El Sarraj submitted a similar complaint.

Establishment of the Ministry for NGO's Affairs

On 9 July 1999 the Palestinian Authority created a new ministry, the Ministry for Charitable Work's Affairs, by presidential decree. Hassan Asfour was appointed as the Minister. The name of the ministry was later changed to the Ministry of NGOs affairs. On 4 October 1999, the presidential decree concerning the mandates of the Ministry was issued. According to article 1 of the decree the ministry will "coordinate and organise the work between Palestinian and foreign NGOs from one side, and the different governmental parties from the other side, in order to put into practice the principles of participation, and transparency in the process of planning and implementing the comprehensive national plan aimed at serving the Palestinian society". According to article 2 of the decree the Ministry will be responsible for the following:

1. Coordinating and cooperating with the Ministry of Interior and concerned governmental parties, and developing the suitable mechanisms to achieve that.
2. Coordinating and establishing the work between NGOs and the governmental parties and developing the necessary mechanisms to achieve that.
3. Securing the freedom and independence of charitable work to complement governmental work.
4. Working at reviving and encouraging volunteer work.
5. Participating in establishing mechanisms of cooperation between the organisations working in this sector.
6. Participating in the determination the national priorities in different sectors in cooperation with the NGOs and the concerned ministries.
7. Participating in developing programs and mechanisms for reviving the social alliance.
8. Developing local, Arab, and international sources of funding for NGOs.
9. Securing cooperation between the NGOs and different ministries to draft common national perspectives in the different areas of development.

It is worth mentioning that the establishment of a Ministry for NGOs Affairs is unique to Palestine. Such a ministry does not exist in any other neighbouring country, or any other country in the world. Therefore, and given that there are

already ministries and governmental bodies responsible for monitoring NGOs, it is unclear why a new governmental body was created.

On the other hand, the mandate of the new ministry is still unclear, and it is also unclear how such a mandate, if it exists, will be materialized. If the coordination between the NGOs and the governmental bodies is the first mandate of the new ministry, how will such a mandate be put into practice. For instance, how will the new Ministry coordinate between the Ministry of Health and a medical NGO that consists of medical professionals. Moreover, what is the need for such coordination given that coordination already exists between the two in the absence of the new ministry. Also, how will the new Ministry coordinate between human rights organisations and the Attorney General? The same comment applies to other sectors like Agriculture, Education, and Labour.

It is worth mentioning that the new Ministry was formed after the last governmental reform was presented to the Palestinian legislative council. The Ministry did not gain PLC approval. In addition, the Ministry was formed after the council's approval of the annual budget for 1999, and it is not known how this ministry is being funded.

The Draft Law of Charitable Association and Community Organisations

Since the establishment of the PNA in May 1994, wide discussions at the formal and informal level took place concerning the nature of NGO work, and the necessity to draft a legislation that would organize the work of these organizations and their relationship with the PNA. This is not the place to outline these discussions, and the efforts spent in this regard, but it is important to point out that outcome of these efforts and discussion was the approval by the PLC of the Draft Law of Charitable Associations and Community Organisations in the third reading on 21 December 1998. Although the mentioned law does not meet all the ambitions of the NGOs, it is fair to say that the law is the outcome of the combined efforts of the PLC and the NGOs. The law is considered a model that reflects the community's participation in drafting the legislation, and the PLC's effort to enhance the community participation in the legislation process.

In spite of the effort spent in drafting the law, the President Yasser Arafat did not approve the draft law in its third reading. In fact the President asked for some changes on the draft law. In essence the change involved transferring responsibility for the administration of the NGO's to the Ministry of Interior, instead of the Ministry of Justice, as approved in the draft law. On 25 May 1999, the council voted against the changes proposed by the President. However concerns were raised over the validity of this vote, as it did not meet the quorum requirements in article 71 of the PLC by-law. The matter was referred to the council's legal committee for a legal opinion.

On 12 August 1999, the speaker of the house announced that the PLC accepted the changes proposed by the President. The speaker's announcement came after a

special council session on the budget, when many members had already left the hall. He added that the legal committee's opinion affirmed that the vote was not valid. Accordingly, the speaker announced that the revised draft law, incorporating the proposed changes would be considered valid. The year 1999 ended without any new development in this regard, and without formal publication of the law.⁸²

A letter to the Palestinian Legislative Council Members

In the light of the latest developments concerning the Draft Law of Charitable Associations and Community Organisations the Centre sent a letter to all PLC members pointing out that during the previous years Palestinian NGOs had worked closely with the PLC in order to draft legislation to organise the work of these organisations. The NGOs believe that the time is now to leave behind the laws remaining from the Israeli occupation, and all former occupations' legal heritage and their restrictions that negatively influenced the work of the NGOs, and prohibited their developments, and their ability to contribute to developing a Palestinian civil society. These organisations highly appreciated the PLC's concern and efforts to draft a modern law in this regard. The letter mentioned that on 21 December 1998, the law was approved by the PLC in its third reading, and transferred to the President for approval or modifications on 27 December 1998. The law was not published within a month, and nor did the President return the law to the PLC during the same period, as provided under article 71 of PLC by-laws. Under the provisions of that same article, the law in this case is immediately valid and should be published.

In its letter, the Centre wondered why the law had not been published in pursuance of the by-laws, and what the reasons were for returning the issue to discussion in an additional meeting of the PLC held on 25 May 1999 to vote on the modifications proposed by the President on 10 April 1999. Why did the council not insist on the third reading of the draft law, and declare that the law is valid, and must be published? Moreover, instead of doing that, the council entered into discussion on the legality of the vote on the modifications proposed by the President.

The Centre found that the PLC's session held on 25 May 1999, in itself, contradicts the legislative mechanism determined in the PLC's by-law. The Centre added that there was no need to investigate the legality of the vote at that session, in which the members rejected the changes proposed by the president. The Centre explained its opinion that the issue in dispute does not concern the legality of the session, but the reason for holding the session contrary to law.

The Centre expressed in the letter its surprise concerning the latest developments, which took place in the PLC session held on 12 August 1999. At that session the Speaker of the PLC, Mr. Ahmad Qrieh, announced that the outcome of the vote in the PLC session held on 25 May 1999 was, according to the Legal Committee of

⁸² The law was issued on 16 January 1999.

the PLC, invalid. In his announcement Qrieh stated that the vote on the changes put forward by the President on the Draft Law, did not meet the requirements of the by laws. The Speaker added that the law in this case is valid, including the changes proposed by the President. In this regard the Centre, made the following comments:

- 1) PCHR reiterates its position that the Council session of 25 May 1999, at which the PLC voted against the changes, was itself invalid. Therefore there was no need for an opinion from the Committee about the legality of the vote.
- 2) Even if we put that aside and consider the May 25th session, significant inconsistencies in the logic applied in the announcement of the Speaker are clear. While we acknowledge the vote did not meet the requirements of Article 71, and therefore was not a valid rejection of the President's proposal, it follows that neither could it constitute a valid approval of those changes.
- 3) PCHR believes that the Draft Law passed by the third reading represents a creative model for the organisation of the work of Palestinian NGO's in a way that guarantees the independence of this sector and that promotes and strengthens Palestinian civil society. The Draft Law is much more liberal than other comparable laws in the region. The Draft Law is an achievement for the people of Palestine and serves well their aspirations towards a democratic, independent state of Palestine. It also implies recognition by the Legislature of the role of Palestinian NGO's and their contributions to Palestinian society.
- 4) PCHR calls upon Council members to take these developments seriously, and to give them their utmost attention, in order that the will of the people and its representatives prevail
- 5) PCHR expresses its disappointment at the replacement of the Ministry of Justice with the Ministry of Interior as the agency responsible for the administration of NGO's. The removal of the Ministry of Justice from this role represents a symbolic and practical step away from the judicial ideals integral to the promotion of civil society in Palestine. If the law is passed in this way, PCHR reserves its legitimate right to struggle to have it amended, in order to promote civil society and guarantee its own independence.
- 6) Even if the law is published, the Centre retains its legal right to continue to struggle for the advancement of Palestinian civil society and to secure its independence.⁸³

⁸³ Regarding the developments in the Draft Law, the Centre has not received any response to its letter to the PLC, except one response from the Member, Dr Ibrahim El Habaash, in which he expressed his disappointment regarding what had happened in the PLC, and considered it to be an undermining of the legislative mandates and by laws of the PLC.

Press Release on NGO's Draft Law

PCHR has been closely following the developments regarding the Palestinian NGO's draft law, which was passed by the third reading of the Palestinian Legislative Council (PLC) on 21 December 1998. PCHR expresses its great concern over the most recent development in this regard. On 12 August 1999 the Speaker of the House announced that the PLC accepted the changes proposed by President Arafat. In essence the changes involved transferring responsibility for the administration of NGO's to the Ministry of Interior instead of the Ministry of Justice, as provided in the Draft Law. The Speaker's announcement came after a special Council session on the Budget, when many members had already left the hall.

Previously, on 25 May 1999, the Council voted against the changes proposed by the President. However concerns were raised over the validity of this vote, as it did not meet the quorum requirements in Article 71 of the Council by-laws. The matter was referred to the Council's Legal Committee for a legal opinion. On 12 August 1999, the Speaker announced that the Committee's opinion affirmed that the vote was not valid. Accordingly, the Speaker announced that a revised Draft Law, incorporating the proposed changes, would be considered valid. In the light of these developments, PCHR emphasizes the following:

1. PCHR expresses its surprise over the manner in which the Speaker made this announcement, at a time when many of the members had already left the hall. PCHR has contacted many Council members who informed the Centre that they were not aware of this development. PCHR sees this as an attempt to arbitrarily close the file on a matter that produced polarized reactions both within the PLC, and beyond. PCHR believes that the Draft Law represents a real test case to the PLC to stand firmly against attempts of the Executive to undermine the will of the Council and its members. It is therefore perplexing and concerning that the whole affair was abruptly ended by the announcement of the Speaker of the House, without reaction.
2. PCHR reiterates its position that the Council session of 25 May 1999, at which the PLC voted against the changes, was itself invalid. Therefore there was no need for an opinion from the Committee about the legality of the vote. The Draft Law was passed by the third reading on December 21 1998, and was transferred to the President on 27 December 1998. According to Article 71, the President then had 30 days in which to either ratify the Draft Law, or to return it to the PLC with comments. He did neither. In this case, Article 71 provides that the Draft Law is valid as law, and it should have been published in the Palestinian Gazette.

Under these circumstances several questions demand to be asked. For example, why wasn't the law immediately published? It is also legitimate to raise questions about the reasons for re-debating the issue in an additional

Council meeting on 25 May 1999, when the PLC voted on changes proposed by the President, proposals received by the Council on 10 April 1999, more than two months after the Draft Law should have passed into law. And why, for example, the Council did not insist on the proper legislative process in relation to the Draft Law. Instead, attention has been deflected into discussions on the legality of the vote of the May 25th to reject the Presidents amendments.

3. Even if we put that aside and consider the May 25th session, significant inconsistencies in the logic applied in the announcement of the Speaker are clear. While we acknowledge the vote did not meet the requirements of Article 71, and therefore was not a valid rejection of the President's proposal, it follows that neither could it constitute a valid approval of those changes. According to Article 71 section 2, if the head of the Palestinian National Authority returns the Draft Law to the Council with comments, the Draft Law shall be re-debated. Upon the vote of the absolute majority of the Council, the law will be considered valid and must be published in the Palestinian Gazette immediately, whether that vote was to reject or accept the proposed changes. Our point is that an absolute majority of the Council is required either to reject or to accept any proposed changes from the President.
4. PCHR believes that the Draft Law passed by the third reading represents a creative model for the organisation of the work of Palestinian NGO's in a way that guarantees the independence of this sector and that promotes and strengthens Palestinian civil society. The Draft Law is much more liberal than other comparable laws in the region. The Draft Law is an achievement for the people of Palestine and serves well their aspirations towards a democratic, independent state of Palestine. It also implies recognition by the Legislature of the role of Palestinian NGO's and their contributions to Palestinian society.
5. PCHR calls upon Council members to take these developments seriously, and to give them their utmost attention, in order that the will of the people and its representatives prevail.
6. PCHR expresses its disappointment at the replacement of the Ministry of Justice with the Ministry of Interior as the agency responsible for the administration of NGO's. The removal of the Ministry of Justice from this role represents a symbolic and practical step away from the judicial ideals integral to the promotion of civil society in Palestine. If the law is passed in this way, PCHR reserves its legitimate right to struggle to have it amended, in order to promote civil society and guarantee its own independence.

(9) The Failure to Hold Elections for Local Council

For the fourth consecutive year since the Palestinian general election in 1996, the Palestinian Authority failed to hold elections for local council in 1999. This is clearly a serious obstacle to the democratic development in the Palestinian Authority areas. Until now the administration of local government in the West Bank and the Gaza Strip continues to be carried out by administrations appointed by the PA.

The PA started its preparations to hold this election during 1997 after it approved the Local Council Election Law on 16 December 1996. On 10 January 1997 the Palestinian President, Yasser Arafat, issued a decree to form the General Election Committee headed by Dr Sa'ib Eriqat, Minister of Local Government.

However, the Palestinian Authority retreated from its commitment to hold an election under the justification of blocks in the peace process, and the non-implementation of the redeployment agreed upon with the Israeli government. In June 1997, Dr Eriqat announced that the local elections would take place three months after the completion of the Israeli Occupation Forces redeployment in the West Bank.

At that time the Palestinian Centre for Human Rights expressed its concern that the local elections would not take place during 1997, and that the councils appointed by the Palestinian Authority are becoming permanent instead of temporary. The year of 1999 has also ended without holding local elections, which in PCHR's opinion seriously undermines the democratic transformation and institution building in the Palestinian Authority controlled areas.

(10) Continued Restrictions on Freedom of Expression and Peaceful Assembly

During 1999 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.⁸⁴ 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

⁸⁴On 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 national unity and prohibiting terrorism and violence" was issued. This decree has dangerous and negative implications for freedom of expression and press. These measures, amongst others, negatively influenced the enjoyment of the right to freedom of expression in 1999.

to police stations, and many press offices were closed by the Palestinian police. The following are the most prominent cases documented by the Centre in this regard during 1999.⁸⁵

- 1) On 11 March 1999, the criminal investigation unit of Rafah city held, in its headquarters, 9 journalists due to their attempts to photograph the bloody clashes which took place in the city between the Palestinian security forces and civilians following the trial of the three men convicted of killing the officer Rifaat Juda.⁸⁶ The journalists held were: 1) Sawah Abu Saef, cameraman for Reuters Agency; 2) Ahmad Jadallah, photographer for Reuters Agency; 3) Shams El Dien Auda Shanah, cameraman for Reuters Agency; 4) Sami Zyada, Jerusalem Centre for Communication and Media; 5) Hussam El Titi, ABC Television; 6) Adel Muhana; AB Agency; 7) Fayez Nour El Dien, AF Agency; 8) Mohammed El Jahjoo, ABC Television; and 9) Zakaria El Telmus, Head of the Association of Journalists, and working for German Television.
- 2) On 27 April 1999, the General Investigation Unit in Gaza closed for an indefinite period El Rasaleh newspaper, which published on behalf of the Islamic Salvation Party. At the time it was thought that the closure was related to the refusal by the Party to participate in the Central Council meetings held in Gaza on 27 April 1999 to discuss the announcement of the Palestinian State.
- 3) On 22 May 1999, the Palestinian police arrested Dr Ghazi Hamad, Editing Director of El Rasaleh newspaper. The arrest of Dr Hamad followed the publication on 20 May 1999, of two articles. The first was about the case of Ayman Mohammed Abed El Qader El Amasi who was moved to El Shifir Hospital in Gaza after the Palestinian police subjected him to torture after his arrest. The second article was about tension in the relations between the PA and the Fateh movement after one of the Fateh movement leaders was insulted by a PNA employee. This article was based on a press release published by the Higher Committee of the Fateh movement in the West Bank, which reported that Sai'd Salem Zhraan (aka Abu El Souood), one of the employees in the Presidents office, abused his position and insulted and beat the secretary of the Higher Committee for Fateh in the West Bank and PLC member, Marwan El Barghuti. The article added, based on the press release, that the President of the PNA dismissed Abu Souood from his position. Furthermore the article described Abu Souood as an example of corruption and unethical behaviour. On 23 May 1999 the Criminal Investigation Unit arrested the journalist Wisam Afifa,

⁸⁵ The most prominent violations of the right of freedom of expression in the West Bank was the arrest of a number of public figures at the end of November 1999, after they published a press release criticising the Palestinian Authority practices (see PCHR Press Release on 29 November 1999, below). On 19 November 1999 the PA released six of the prisoners: 1) Ahmad Qatamish; 2) Dr Adel Samrah; 3) Dr Yasser Abu Safia; 4) Dr Abdel El Rahiem Katana; 5) Dr Afief Juda; and 6) Adnan Auda. Dr Abdel Satar Qassem and Ahmad Shaker Dudeen remained under detention

⁸⁶ For more details see page 108 of this report

working for El Rasaleh newspaper, and Salah El Bardweel, Head Editor for the newspaper, for the same reasons.

- 4) On 14 August 1999, the Palestinian police arrested, once again Dr Ghazi Hamad, Editing Director of El Rasaleh newspaper, and the trainee journalist Hussam Balosha, and interrogated them regarding an interview with the Palestinian Attorney General about the situation of the judiciary in the PA areas, carried out by Balosha and published in El Rasaleh newspaper on 12 August 1999. The Palestinian police accused them on misrepresentation and misquotation of the Attorney General in the article. The newspaper published a condemnation by the Attorney General on the continuing work of the State Security Court and the executive interference in the judiciary.
- 5) On 28 September 1999 the criminal investigation unit arrested the journalists: Munir Abu Rizq, a reporter for Al Hayaa newspaper, and Saleh Al Na'mi, a reporter to Middle East Newspaper that is published from London, and photographer for the Al Rissalah newspaper. Abu Rizq was held for one day in the office of Talal Abu Zied, director of General Criminal Investigation unit, while the journalist Al Na'mi was held in Gaza central prison. The two journalist were interrogated about an article which had been published by the newspaper at the time concerning four officers from the Palestinian Security forces who were arrested in Tel Aviv on suspicion of soliciting prostitutes and were handed over to the Palestinian Security Forces.
- 6) On 5 August 1999 the Palestinian Police summoned Dr Iyyad Sarraj, Director of the Gaza Community Mental Health Programme and one of the most prominent activists in the Palestinian human rights movement. The Palestinian police interrogated Dr Sarraj on his article published in Issue 30 of People's Rights magazine, published by LAW. After interrogating him, the Palestinian police informed Dr Sarraj of their decision to prevent him from leaving the country.⁸⁷ Dr Sarraj was arrested more than once due to his publication of articles criticising PNA practices.
- 7) On 18 December 1999, the Palestinian police summoned four civilians who are directors or representatives of institutions that signed the Press Release published the previous day condemning the beating of Abdel Jawaad Saleh, Member of the PLC and former Minister of Agriculture, by the General Intelligence Forces in Jericho. The Centre was informed that amongst the citizens summoned were Mohammed Dahaman, Director of Democracy and Labour Rights Office in Gaza, and Khalil Abu Shamala, the Executive Director of Aldameer Institute in Gaza.

⁸⁷ For details see PCHR's press release below.

A Report on the Rights to Freedom of Expression and Peaceful Assembly

At the beginning of October 1999 the Centre issued a new study titled “The Rights to Freedom of Expression and Peaceful Assembly under the PNA: Gaza Strip Case (May 1994 - December 1998)”. Through this report the Centre aimed to develop indicators to measure the democratic transformation and respect for human rights under the PNA. The report will be published annually and the Centre is currently working to prepare a new report covering 1999. It is expected that the report will be published in the first half of 2000.

The study is divided into three basic parts, as follows.

The first part introduces the reader to the internationally accepted standards of the right to freedom of expression and the right to peaceful assembly.

The second part of the study introduces the legal framework for the practice of the right to freedom of expression and peaceful assembly by Palestinians under the different authorities of the Palestinian people from the Ottoman Empire until the era of the Israeli occupation.

The third part of the study focuses on the practice of these rights under the PNA administration. This part focuses on the Gaza Strip in the period between May 1994 and December 1998, the period between the establishment of the PNA and the end of 1998, as a case study. Within this context the study analyses the laws and regulations adopted by the PNA in this regard. In addition, it attempts to document and analyse PNA violations of these rights during the period.

In its historical analysis of the Palestinian people’s enjoyment of these rights, the study notes the absence of a legal heritage which would enhance and enable the practice of the right to freedom of expression and of peaceful assembly within the PNA area. The study attempts to explain this absence due to the historical Palestinian subordination to different occupation forces. These occupation forces adopted laws and regulations designed to suppress Palestinian hopes and demands, through the suppression of freedom, including the freedom of expression and peaceful assembly.

The study adds that the establishment of the PNA in 1994 engendered hopes for the possibility that the Palestinian people would finally enjoy their basic rights, particularly the right to freedom of expression and to peaceful assembly. Such hopes increased as the Palestinian leadership adopted the slogans of building a democratic state and enhancing the values of political pluralism and human rights. But the practice of the PNA leadership was not persuasive.

The study focuses on the violations by the PNA against citizens exercising these rights throughout the period of investigation (May 1994 to December 1998). The study concludes that these violations have led to the practice of self-censuring by Palestinian citizens in general, and by Palestinian journalists in particular.

Journalists have become uncertain about every article or news item they publish. The overall outcome of such a situation is the deterioration of the level of enjoyment of these rights by citizens and the failure to enhance these rights as part of the political culture.

In an attempt to contribute to the solution of this crisis, the study develops some recommendations to improve the Palestinian people's enjoyment and practice of these rights. These include the reassessment of the current regulations and laws that organise the practice of these rights. The Palestinian Legislative Council must determine to what extent these regulation and laws are in accordance with the relevant international standards. Furthermore, the study recommends efforts to improve knowledge and awareness of these rights amongst the different sectors in the society, particularly the law enforcement officials.

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

5 August 1999

The Centre issued a press release on the questioning of Dr. Eyad El-Sarraj by the Palestinian Police. The press release reported that the Palestinian police summoned Dr. Eyad El-Sarraj, director of the Gaza Community Mental Health Programme, during the afternoon of Thursday, 5 August 1999. The police interrogated him in regard to an article that was published in LAW's *People's Rights* monthly magazine. At the end of the interrogation El-Sarraj was informed that he would not be allowed to travel out of Gaza.

The police summoned him by telephone and El-Sarraj arrived at the headquarters of the police at approximately 2:00 p.m. He was at the police headquarters until 4:15 p.m. El-Sarraj testified to his lawyer from the Palestinian Centre for Human Rights (PCHR) that General Ghazi Jabali met him at the police headquarters. Jabali informed El-Sarraj that a report had been given to President Yasser Arafat regarding his article. Consequently, the President transferred the report to Jabali for investigation. Jabali informed El-Sarraj that in his article he referred to the weakness of the Palestinian Authority and its corruption and that he accused the President of obstructing the law.

It is apparent that Jabali was hinting at what had been mentioned in El-Sarraj's article regarding the President's rejection of the NGO law that passed in the Palestinian Legislative Council's third reading. For his part, El-Sarraj rejected the claim that the article leveled accusations at the President and he asserted that he merely published facts based on statements already made by ministers and leaders of the Palestinian Authority. El-Sarraj was then transferred to another investigator

to take his testimony and he was orally informed that he is not allowed to leave the country until further notice.⁸⁸

El-Sarraj is one of the most prominent Palestinian human rights activists. He was previously arrested several times by the Palestinian Authority as a result of his published articles and statements in which he criticized the performance of the Palestinian Authority.

In its press release PCHR expressed its deep concern about the order prohibiting El-Sarraj from leaving the country as this violates the basic human right to freedom of movement. PCHR calls on the Palestinian police to reconsider this order, especially as no charges were brought against El-Sarraj.

25 November 1999

The Centre issued a press release on regrettable events, which took place in the Islamic University in Gaza as result of the publication of an article in the student newspaper about begging in Gaza. The press release reported that in a press release distributed on Wednesday the teaching staff in the Department of Journalism of the Islamic University, announced their collective resignation over the University Administration's decision to suspend the Head of Department Dr Jawed El Dalu and two female students from the department.

The University Administration decided yesterday to suspend Dr El Dalu and the two students and to halt the study in the University for an indefinite period. This decision followed regrettable events in which dozens of people entered the University Campus by force and beat a number of the students and staff in the Department of Journalism.

Events exploded after the University Voice newspaper, which is published by the Department of Journalism, published, on 23 November 1999, a journalistic investigation into the phenomenon of begging in the Gaza Strip. Two female students from the Department of Journalism carried out the investigation. It presented the point of view of many officials and experts on the subject and included a quote by a citizen from the north Gaza governate who claimed that the social norms and rituals in one of the areas of the governate encouraged the practice of begging. This quote angered a number of the University students from the mentioned area and a sharp discussion between them and the students of the Department of Journalism took place.

Accordingly the University Administration withdrew the edition of the newspaper in question. The next day, Wednesday 24 November 1999, according to eyewitness reports, dozens of young men including a number of university students forcibly entered the campus and beat a number of journalism students, causing several injuries. After discussion with respected people in the area the

⁸⁸ In fact the prevention order against Dr Sarraj was not implemented. The Centre was informed that Dr Sarraj was able to travel without restriction after that date.

University Administration decided to form a committee of inquiry and to halt study at the University for an indefinite period. Moreover the Head of the Department of Journalism and the two female students who prepared the investigation were suspended.⁸⁹

PCHR is deeply concerned at the violence that took place on the University Campus and at this violation of the right to education and freedom of expression. PCHR condemns the attempt of some people to take the law into their own hands, without using the appropriate legal channels to mediate disputes. PCHR believes that one of the basic requirements for enhancing and supporting the rule of law is to refer all disputes to the appropriate legal channels. Furthermore the judicial system is the only institution mandated to decide the proper way to both protect the right to freedom of expression and to investigate allegations of defamation.

29 November 1999

The Centre issued a press release expressing PCHR's deep concern over measures taken by Palestinian Authority against a number of Palestinian public figures during the last two days on the background of the circulation of a press release critical of the policies of the PA.

Palestinian Security Forces placed both Bassam Shaka'a, ex-mayor of Nablus, and Waheed Hamdallah, ex-mayor of Anabta, under house arrest. The following public figures were also arrested:

- 1) Dr Abdul Sattar Qasel, professor of political science at Annajah University in Nablus.
- 2) Dr Adel Samara, a well-known economist.
- 3) Dr Abdul Raheem Kettana,
- 4) Ahmad Qatamesh, Member of the politburo of the PFLP.
- 5) Dr Yassef Abu Safieh, board member of the Union of Health Work Committees.

Mrs. Ismat Shakhshir was summoned to the offices of Palestinian Security but was later released.

The names of the above mentioned public figures were included in a list of signatories to a press released issued on 27 November 1999 which strongly criticized the policies of the Palestinian Authority. Nine members of the

⁸⁹ In its publication on 4 December 1999, Al Hayan newspaper reported that a delegation from the University made up of the Representative of the University Administration, the Board of Trustees and the Dean of the Arts College, the Employees Association and the Teaching Staff of the Department of Journalism, and the Student Council representative went, on 2 December 1999, to the home of Dr Juwaad El Dalu and asked him to return to his post at the University. The head of the delegation told Dr Dalu that the measures adopted by the University were not intended to harm him, but were "aimed to prevent some people from escalating the tension in the University". The Centre was also informed that the two suspended students were reinstated to their studies at the University.

Palestinian Legislative Council also signed the press release. These members were: Moaweya Al-Masri; Hassan Khraisha; Rawia Al-Shawa; Raafat Al-Najjar; Fakhri Al-Turkman; Abdul Jawad Saleh (Former Minister of Agriculture); Husam Khader; Ali Abu Reesh; and Zahran Abu Qabita.

PCHR believes that the measures carried out by the PA constitute flagrant violation of basic human rights, especially the right to freedom of expression. Such measures also contradict the Palestinian Press Law of 1995. Article 2 of this law states that “the freedom of opinion should be entitled to every Palestinian individual, who has the absolute right to express his opinion in a free manner either verbally, in writing, photography or drawing as different means of expression and information.” PCHR calls upon the PA to immediately release all prisoners and to lift the house arrest imposed on Mr. Shaka’a and Mr. Hamdallah.

(11) 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 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.

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.

In 1999 the Unit continued publishing a number of reports and studies in this area. In addition the Centre continued to provide citizens with legal aid concerning economic, social and cultural rights through the lawyers of the Legal Unit.⁹⁰

A Study on the Civil Servants Law

In 1999 the Economic and Social Rights Unit also published a new study entitled “The Civil Servants Law and its Implementation: between theory and practice”. The study focuses on the Civil Servant Law and the executive authority announcement for its implementation. The study documents the opposition by the civil servants to improper implementation of the law. The study is published in Arabic.

The study calls for the implementation of a unified law for all civil servants, and an end to the current confusion resulting from the implementation of different regulations and law for civil servants in the West Bank and Gaza Strip.

The Civil Servant Law is considered one of the most important factors contributing to the unification of law and regulation in the Palestinian Authority areas. It is considered the basic challenge in the development of the public sector in our country in accordance both with the unique situation of Palestinian and with the related international standards. In particular, the importance of transparent, objective recruitment practices in the public sector, and of principles of equality and non-discrimination.

PCHR considers this study to be part of its work and effort toward enhancing and supporting the rule of law. It forms part of our commitment to secure the proper implementation of the provisions of this law without any deviation. PCHR believes that such a goal cannot be achieved without the full commitment of various parties to implement the law without imputing any personal interpretation of the provisions in a manner that deviates from the intention of the law.

The study completes a phase of effort by the Centre which started with the aim of having a law drafted which would achieve a fair and just result for civil servants and serve the goal of the state building process. The study includes the activities that were carried out by the Centre regarding the development of the Civil Servant Law and the process of its gradual implementation.

PCHR believes that proper implementation of the law requires development of the executive mechanism provided for in the law itself. This needs to be done through the issuing of executive regulations. The Centre considers one year after the publishing of the law to be enough time for all the concerned executive parties to prepare the regulations necessary to remove any remaining ambiguity in interpreting the provisions of the law.

⁹⁰ Regarding the legal aid provided by PCHR see page 168 of this report.

This will help to develop a strong and efficient public sector in our country that will serve the process of state building and will develop our country on the basis of social justice, bringing to an end the current problems stemming from a public sector characterized by politicization and nepotism.

Within this context, and based on the actual process of implementation, we will be able to conclude whether or not the law satisfies the objectives it was intended to fulfil. At this point we think that those people who are committed to achieving justice for civil servants and to developing the public sector must continue to work to eliminate the remaining defaults in the law.

A Report on High Pressure Electricity Lines

On 14 November 1999, the Unit published a report on the high-pressure electricity lines in the Gaza Strip. The report was prompted by the death of two workers in El Shiekh Radwan Camp, which raised again the issue of high-pressure electricity wires located alongside the residential buildings in the Camp. These wires constitute a real threat to the lives of the people living there. The Palestinian Center for Human Rights has, for some time, been following this matter and expresses its deep concern about the repeated incidents in this regard. In light of the increasing number of victims of accidents involving the high-pressure wires, PCHR calls upon all the concerned parties to act promptly to find a solution to this problem.

The history of the high-pressure electricity wires goes back to the 1970s, during the Israeli Occupation. At that time, the Israeli Regional Electricity Authority was responsible for providing electricity to the Gaza Strip and for maintaining the network. The local municipalities, on the other hand, were responsible for the low-pressure electricity network, and for collecting payment for electricity. After the establishment of the PNA, Palestinian Electricity took over the responsibility for high-pressure electricity, while the local municipalities kept their role as it was during the occupation period.

The Gaza Strip has nine high-pressure lines, six of them serve the northern area, and the other three serve the south. These lines originate in Israel, and in case of failure in any one of them the safety mechanism which is located in Israel should be immediately activated. The power of the electrical current passing through the high-pressure line is 22 kilowatts. According to the standard safety requirements the wires should be 12 meters higher than the residential buildings, and should be at least 3 meters away from the nearest building. In the Gaza Strip there is a clear shortfall between these standards and the actual practice. The high-pressure wires pass alongside or above many residential buildings at a distance of half a meter, which clearly constitutes a real threat to the lives of the residents. The report listed thirteen of the most well known and dangerous examples.

Each year the high-pressure wires lead to the death of number of victims. The most recent cases were Sa'ad Abu Itaa and Ala'a El Masri who were electrocuted during their work on the third floor of a building located in El Sheikh Radwaan

Camp. The incident took place when Ala'a was trying to move an aluminum window frame in the house of Balakun, located 60 cms from the high-pressure wires. He was electrocuted when he accidentally came into contact with the wire, as was his colleague who tried to help him, and they were both killed. The owner of the house, Khalid El Soussi, placed the responsibility for the death of these two men with the municipality and the electricity company, and pointed out that his house has a permit from the municipality, even though the electricity line is too close.⁹¹

The report mentioned a number of incidents in which civilians died as a result of the high-pressure lines being located too close to their homes. The report concluded that these lines represented a continuing danger to the lives of civilians. People live in constant uncertainty about the safety of their children from these lines, which clearly undermines the citizens' right to safe living.

The report explains that the responsibility cannot be placed solely with the municipality and the electricity company. Part of it lies with the citizens, who do not strictly adhere to the building regulations, and due to the expansion in building carried out by some citizens illegally, particularly in the refugee camps. The reason for this problem, according to the report, is the lack of civil planning and infrastructure in the cities and camps in the Gaza Strip. According to accepted safety standards, the electricity network, including the high pressure lines, should be laid one and a half metres underground, and should be at least 3 metres away from the nearest house. The establishment of electricity networks meeting these standards is very expensive and the Palestinian Electricity Company does not have the necessary resources. Moreover, the company does not respond to requests from citizens to move the high-pressure line further away from their houses. Generally the company requires the people concerned to pay the expenses for this, a matter beyond the resources of the average citizen.

The report asserted the following:

- 1) The municipalities must take responsibility in following up this serious issue and to take all measures to prevent building near the high-pressure lines.
- 2) The Palestinian Electricity Company must also take its responsibility towards this issue. The company is asked to work seriously to solve this problem and to secure the technical and financial resources required.
- 3) The Labour Associations are also asked to take their part of the responsibility towards the problem. They need to upgrade awareness regarding health and safety measures during work.
- 4) The Palestinian Legislative Council is called on to draft model legislation guaranteeing the right to live and work in safe places.

⁹¹ El Risalah newspaper on 7 October 1999, p.7

A Study on Labour Rights in Gaza Strip

The Economic and Social Rights Unit at PCHR also published in 1999 a study on labour rights. The study discusses the conditions and circumstances faced by the Gazan labour force during the period of Israeli occupation of the Palestinian territories. The Israeli occupation adopted administrative, legal, and military measures aimed at destroying the resources of the Palestinian society. Amongst these measures are land confiscation, imposing strict restrictions on the use of water, and destroying the emerging Palestinian industry which was already vulnerable. Through these measures the occupation succeeded to destroy all the Palestinian economic sectors, and to render the Palestinian economy dependent on that of Israel.

The outcome of such measures was a weak Palestinian economic system, and the failure of this system to absorb the Palestinian labour forces. This led to the immigration of skilled Palestinian workers to neighbouring countries, particularly the Gulf countries. The remaining Palestinian labour force, under the pressure of the difficult economic conditions of the occupied territories, was forced to work inside Israel and to face discrimination between them and Israeli workers. This discrimination concerned both wages and the conditions of work. Furthermore, a sum was deducted from the wages of Palestinian workers for superannuation, but these workers do not receive the services apparently covered by this sum, unlike their Israeli counterparts. This is contrary to the International Labour Organisation Convention.

Moreover, the study reported difficulties resulting from the second Gulf war, which negatively impacted the Palestinian labour force concerning work inside Israel. As a result of the second Gulf war, Israel issued a new system of work permits, without which Palestinians are not allowed to work inside Israel. As a result thousands of Palestinian workers were prevented from working inside Israel. This measure was followed by another, through which Palestinian workers were required to have magnetic cards to be able to work inside Israel. This prevented thousands more Palestinians from resuming their work in Israel. Accordingly, the number of Palestinians working inside Israel diminished notably. The situation worsened further when a number of Israeli officials called for an end to employing Palestinians, promoting instead the hiring of foreign workers.

The study explained that after the establishment of the PNA in May 1994, taking over administrative responsibilities in the Gaza Strip, and some areas in the West Bank, the Israeli occupation forces escalated measures against the Palestinian people by adopting the closure policy in the West Bank and Gaza Strip. This negatively influenced the conditions of Palestinian workers who were banned from entering Israel to work. From time to time, Israel further complicates the procedures for entering its territories, particularly after each closure. For example, Israel has canceled all permits, requiring Palestinian workers to apply for new

permits, under new conditions concerning the ages and social status of those who will be granted the permits.

The outcome of these measures is the prevention of many Palestinians from resuming their work inside Israel, and a heavy burden on different sectors of the Palestinian economy. In addition, this led to an increase in unemployment levels in the Gaza Strip to more than 50%, a decrease in the standard of living, and an increase in poverty.

Furthermore, the study highlighted the daily suffering of Palestinian workers. This begins with the insults they face at Israeli checkpoints on their way to and from work. It also includes being subjected to arrest and pursuit at their work place or at the Israeli checkpoints, and being subjected to humiliating security procedures by Israeli soldiers at entrances to Israel.

Furthermore, the study reported on the conditions of the Palestinians working inside the PNA's controlled areas. The study highlighted the absence of a modern and fair law to secure labour rights in accordance with the concerned international conventions. The study also outlined the conditions of working women. Also, the study discussed the draft Palestinian labour law, which was approved by the PLC in the first and second reading. In this regard, the study outlines the articles of the draft law that are contrary to the standards and conventions of the International Labour Organisation. The study concluded that the first and second reading of the draft law were disappointing, and found some of the provisions of the draft law to be a step backwards from the Labor Law of 1964.

In conclusion, the study recommended gathering together the efforts of all concerned parties to develop a strategy to secure labour rights. In this regard the study declared that the Israeli occupation forces, the PNA, and the international community, must all fulfil their obligations under the concerned international conventions, particularly the Covenant on Economic, Social and Cultural Rights.

The Israeli Occupation's Obligations

1. The continuing fact of the Israeli occupation is considered by itself to be a grave violation for human rights. The occupation is the foundation for any other violation for the Palestinian human rights. Accordingly eliminating the Israeli occupation, and establishing a Palestinian state is a necessary condition for Palestinians' enjoyment of their rights, including labours.
2. Israel must stop its policy of closure, and all forms of collective punishment, and to allow for freedom of movements for Palestinians in the Palestinian Authority controlled areas.

3. Israel must increase the number of Palestinians labors working inside Israel, as a means to ease the economic crisis of Palestinians. Israel is directly responsible for this crisis.
4. Israel must begin to work immediately at securing the enjoyment of Palestinians of their rights in work, and social security, and has to stop its inhumane searching measures against the Palestinians working inside Israel.

The PNA's Obligations

1. PNA has to immediate work to issue modern Palestinian labour legislation that is in harmony with Arab Labour Organisation, and the International Labour Organisation conventions, in order to secure labour rights. Moreover, PNA is asked to establish a labour court to mediate any labour disputes.
2. PNA is asked to recruit the necessary local and international resources to secure labour rights. This requires an efficient use of the available resources, and the determination of the possible budgets for establishing productive enterprise aimed at increasing the job opportunities.
3. Subsidizing labor-intensive small enterprises.
4. Expanding the areas of technical training, and supporting and developing the Labor ministry's technical training centres.
5. Supporting the independence of the Labour associations in a way that enables them to positively contribute to organizing and administering the labor sector.
6. Recruiting the media to increase workers awareness of their rights.
7. Securing legal protection for juveniles, and preventing the work of children who are less than the legal age.

The International Community's Obligations

The international community has various obligations concerning the achievement of Gazans labour rights, especially if it is taken into consideration that the international community, including donors, countries shepherding the peace process, are committed to assisting the Palestinian authority in rebuilding Palestine, improving the living conditions, and providing the necessary assistance to rebuild the destroyed Palestinian economy. Accordingly, the international community has the following obligations:

1. The international community is asked to secure the necessary protection for Palestinian civilians under the Israeli occupation, in accordance with its commitments under the Fourth Geneva Convention.
2. The international community is asked to pressure Israel it to stop adopting the closure policy, and to meet its commitments under the agreements signed with the Palestinian side concerning the payment of money due to Palestinian workers.
3. The international community is asked to pressure Israel to fully implement the International Convention Concerning Labour Rights, and to end its exploitation of the Palestinians working inside its territories.

NGOs' Obligations

NGOs can play an important role concerning the achievement of labour rights as follows:

1. Working to clarify the international obligations placed on the PNA, and urging the PNA to commit itself to these obligations. Also, NGOs can pressure the PNA to issue the necessary legislation to secure labour rights.
2. NGOs can participate in developing policies and programs aim at creating employment, and securing for workers their enjoyment of their rights.

Press Releases about Economic, Social, and Cultural Rights

25 January 1999

The Centre issued a press release on its calls to the PA for the full implementation of the Civil Service Law. The press release reported that dissatisfaction and disappointment was widespread among the civil servants in the areas under the jurisdiction of the Palestinian Authority (PA) after they received vouchers for their salaries in December 1998. In November, employees of the governmental branches, namely teachers and civil servants of the fourth and fifth grades received pay increases in their salaries, however, they were shocked to find that the raise had been reduced by 30 percent in December.

The President of the PA declared that the civil service law would be implemented for teachers and civil servants of the fourth and fifth grades in November and the rest of the employees would follow in due course in December 1998. This was decided after a strike was conducted by teachers because of low salaries, especially after the reduction of the rate of exchange of the Israeli shekel vis-à-vis the American dollar.

This disappointment and dissatisfaction was widespread among civil servants on 6 January 1999 after they received the vouchers for December 1998. They were disappointed in the decrease in the original raise that they had received in November. Different sectors of the employees began protest actions in and out of the workplace. Many of the heads of the sections of the ministries and agencies of the PA gathered in front of the General Personnel Council at the PA's governmental complex. They began a partial strike because of the decrease in their salaries.

Civil servants in the health sector also launched other protest activities. They held a partial strike for three days beginning on 6 January 1999. More than 7,000 health employees, including doctors, protested the so-called temporary financial settlement. The doctors did not receive the professional and specialized bonuses that they thought they would receive. They also demanded that the PA fully calculate the years of service and carry out the implementation of the law under the principle of equality.

The Doctors' Union in Gaza also began an open strike on 6 January 1999 requesting the fulfillment of their demands. They declared that they would continue their strike until the PA responded positively to their demands. However, the employees returned back to work after Mr. Arafat issued a decision by which the law of the civil service was frozen and there was a return to the previous salaries and degree scale. In addition to providing a fair increase in their salaries, there was a return to calculating overtime as was done under the previous system.

Moreover, civil servant engineers began a warning strike in front of the Legislative Council in Gaza on 14 January 1999 to protest the negligence of the law pertaining to their rights.

The Palestinian Legislative Council adopted the law on 3 June 1997 and referred it to the President who endorsed it on 28 May 1998. The law was published in the official gazette on 1 July 1998 and entered into force on 1 August 1998. The PA began to implement the law in November 1998 when it gave civil servants raises that were still not clearly spelled out.

In the aftermath of the protest activities by civil servants, the PA decided to establish a commission headed by President Arafat. A number of relevant ministers were included as members. The commission was to examine the implementation of the law and to overcome its shortcomings to prevent any prejudice in the allotment of civil servants' salaries. There were many disagreements regarding the implementation of the law between the different concerned parties, especially the Ministry of Finance, the General Personnel Council, and some members of the aforementioned presidential commission. The implementation of the law was accompanied by a number of mistakes. This led the Ministry of Finance to claim that it was only an executive body. A number of

members of the commission considered the Ministry of Finance and the General Personnel Council responsible for the incorrect implementation of the law.

Furthermore, 30 judges in the Gaza Strip began a one-hour warning strike on 6 January 1999 to protest the implementation of the law as it resulted in a decrease in their salaries.

In its press release, PCHR reaffirmed the following:

1. The civil law came became law on 1 August 1998 and therefore all relevant bodies with responsibility for implementation should carry it out from that time according to Article 3 of the law. While the financial side of the law was partially implemented in November 1998, it was imperative to implement the administrative side directly after it entered into force as it could overcome many of the problems that accompanied the implementation of the financial side later.
2. The administrative side of the law needs executive codes issued by the government or other executive bodies to overcome any shortcomings that could result from the implementation of the law.
3. The law gives the executive authority the right to gradually implement the law's financial side, in accordance with the PA's resources (Article 1). However, Articles 3 and 5 of the law reaffirmed that the Legislative Council should approve any modifications in the salary scale. This did not take place when the executive authority implemented the financial side of the law. This implementation resulted in sharp criticism from members of the Legislative Council.
4. The major mistake, which resulted in a wide wave of protest among civil servants, is related to the implementation of the law itself. The executive authority, namely the Council of Ministers and the General Personnel Council, incorrectly implemented the law on the financial side. In fact, the new law not only provides new raises that were not in the old law, but it also prevents any decrease in the salary of any civil servant.
5. The implementation of the new law should not prejudice the acquired rights of the employees; however, the incorrect implementation of the financial side of the law resulted in numerous cases of prejudice. This is a serious shortcoming that should be remedied as soon as possible.
6. PCHR asks the President of the PA not to include judges in the implementation of the law. The judges should be treated separately and the law of the independence of the judiciary should be promulgated in regard to them as soon as possible.

7. The increase of the costs of living and the decrease in the rate of exchange of the shekel vis-à-vis the U.S. dollar are important factors that should be taken into serious consideration regarding the implementation of the law.
8. The PA is obliged to fully implement the law so that the different sectors of the civil servants will be treated without discrimination and on an equal footing.
9. The Legislative Council as a legislative authority has great responsibility regarding the implementation of the law that it adopted as well as the responsibility of modifying it in case there are any shortcomings. The provisions of the law are not set in stone and can therefore be modified in the same way in which the law was adopted.

Moreover, PCHR welcomed in its press release the decision of the President to stop the incorrect implementation of the law. PCHR asks the PA to seriously review the aforementioned implementation of the law and to act as soon as possible to issue the proper regulations to implement the law to increase the standard of living of civil servants living in a deteriorating economic situation. Salary payments should be made retroactively to include the time period in which salaries were frozen.

26 September 1999

The Centre issued a press release on the death of an infant from Shabura Camp after she fell into a sanitary well. The press release state that on Friday afternoon, 24 September 1999, Tehani Yousif Ibrahim Ghayad, who was less than a year old, died as a result of her fall into a sanitary well located in her house in Shabura Camp in Rafah City. At the time, her five brothers, ranging between three and thirteen years in age, were trying to fill the well with sand. Tehani was playing alongside them and fell into the well. According to PCHR's Fieldwork Unit's report, neighbours called the Civil Defense forces, the Red Cross ambulance and the police.

Despite efforts to break the concrete surrounding the entrance to the well (about 60cm by 60cm), the Civil Defense forces failed to rescue Tehani. This was partly a result of damage to the rescue equipment. Half an hour after she fell, a neighbour who had managed to get inside the well finally removed Tehani from the well. She was immediately transferred to Al Nasser hospital in Khan Younis where she was pronounced dead on arrival. A post mortem revealed that her death was due to inhaling poisonous gases.

Tehani Ghayad's death is a tragic and grave warning of the probability of further tragic consequences as long as many similar wells remain in homes throughout the camp. This situation requires the urgent intervention of both the Municipality of Rafah City and the UNRWA Services Office in the South. They must work together to ensure the safety of the children in Shabura camp.

Moreover the Municipality of Rafah must take responsibility for the continuation and completion of the project to connecting the camp to Rafah city's sewage system. This project began in April 1995, and it must be completed without delay. Any delay in completing this project undermines infrastructure development in the city (including works for road networks). As long as the project remains incomplete the risk of the spread of disease, as well as of tragic accidents like this one, threatens the health and safety of the residents.

However, the poor infrastructure in Rafah city is not an exceptional case. Throughout the Gaza Strip, the problem of sanitary sewage is considered one of the most important challenges faced by citizens.

PCHR called on all concerned parties to fulfil their obligations towards developing and improving the infrastructure services in the cities, villages and camps of Gaza Strip. Within this context PCHR calls on the Palestinian National Authority and UNRWA to take responsibility for securing the health and safety of the residents of the Gaza Strip, who suffer from miserable living conditions.

29 September 1999

The Centre issued a press release on the closure of Al-Azhar University as a result of protests against tuition fees increase. The press release reported that on Monday, 27 September 1999, the Board of the Al-Azhar University in Gaza issued its decision to close the University for an indefinite period. This decision came after the acceleration of protests by students to the Board's decision to increase tuition fees. On Monday afternoon, at around 4.00pm, a number of students caused damage to the door of the office of the University President, Dr. Riyadh Al Khdari, as they tried to enter in order to demand that he tender his resignation. However, university security guards intervened and prevented the students from entering the office. The guards then, along with State Security forces and an official from the Youth Movement accompanied Dr. Huderer safely from the scene.

As a result of this incident, police security forces and anti-riot police have patrolled the university since Tuesday morning, 28 September 1999, and have closed a number of roads leading to the University in order to prevent student access.

These protests are being carried out by the students as a reaction to the University decision to increase tuition fees. The University Board increased tuition fees in all departments by 5 Jordanian dinars per class hour. The students were informed of this decision when the enrollment for the 1999/2000 Academic year began. The Student Council of Al-Azhar University rejected the decision as null and void, and declared that it constituted a real threat for the future of the students and the educational process as a whole.

The Student Council called on the students to stand strongly against this decision and not to enroll until the fee increase is revoked. Moreover the Student Council called on the University Board not to implement the decision. In response, the University Board published an announcement in which it declared its intention to reduce the fees increase to 3 dinars per hour, in the School of Science, and to 2 dinars per hour in the School of Social Sciences. The Board also extended the enrollment period for all students until the end of Wednesday 7 October 1999.

The Secretary of the Al-Azhar University Student Union announced the Union's rejection of the Board's revised decision, labeling it a unilateral measure aimed to divide the students unified stance in rejection of the fees increase. In addition the Student Union declared that the University Board would be responsible for any result that might stem from this decision. Moreover, it asked the University Board to cancel the fees' increase completely, claiming the students' right to free education and called on the Board to co-ordinate with the Ministry of Higher Education to solve its financial crisis.

In its press release, the Palestinian Centre for Human Rights affirmed the following:

1. Solution of the current dispute between the students and the Board requires the efforts of all concerned parties, including the Ministry of Higher Education and the Palestinian Legislative Council, and that each party takes responsibility for its role in solving the dispute. The PNA, represented by the Ministry of Higher Education, must take action in support of the Palestinian Universities in order to solve their financial crisis. The first step must be to cancel the fees increase.
2. The Palestinian Legislative Council must pressure the Executive Authority to release the funds allocated to education in the Public Budget Law for 1999 (approximately 60 million NIS). This will help resolve the Universities' financial difficulties, and prevent the need for an increase in tuition fees.
3. PCHR affirms that the right to education is one of the basic human rights. The right of each citizen for higher education must be secured by ensuring access without barriers. Ensuring this right is essential to human development and dignity, and integral to the participation of each person in a free society. This right must be ensured through specific measures taken by the PNA within the resources available to it.
4. The dispute must be solved through dialogue and peaceful protest, without the use of violence. Since the rhetoric involved revolves on demands for justice, any use of violence, or threats of violence, from any party will lead to the opposite result and will damage the interests of the students and the education process equally.

23 December 1999

PCHR issued a press release concerning clashes in Gaza Governates, particularly in Khan Younis and the Middle Area, between civilians and the Palestinian security forces. On 21 December 1999, hundreds of civilians from the El Mawasi area gathered near the Coastal Police office on the Coastal Road near Khan Younis. They blocked the road with burning tires. The clashes followed escalating electricity cuts in the area caused by the municipality turning off the generator. During Ramadan the generator was supposed to operate between 3pm and 10pm and between 3am and 5am, however it had been frequently closed down during those hours.

A number of civilians entered by force into the room housing the generator and turned it on. An employee of the Palestinian Electricity Company responsible for operating the generator claimed that the generator had some defects and required repairs. A further group of civilians attacked the Coastal Police building, throwing stones, claiming that the Coastal Police forces forced the employee of the electricity company to operate the generator only in certain hours, because they were bothered by the noise the generator made.

The clashes continued until 8.30pm when Palestinian police forces, after consulting the Southern Liaison Office, arrived along with Joint Israeli-Palestinian Forces and two civil emergency officers who put out the fire from the burning tires. The clashes resumed at 11.00pm when a number of youths went to the Coastal Road and once again threw stones at the Coastal Police building. As a result a large number of Palestinian police and Coastal police, after consulting the District Coordinating Office, arrived and arrested 25 civilians and beat others. Moreover, the Coastal police arrested the director of the electricity company in Khan Younis governate, Ahmad Jamil Shbeer.⁹²

El Mawasi area in Khan Younis is part of the Yellow Area, under complete Israeli security control. The PA has only civil responsibilities in this area according to the interim agreements. The population of this area is about 3000. The area lacks basic services, such as health, water and sewage networks. The area usually receives electricity between 4pm and 11pm in the evening. During the month of Ramadan this period was modified to between 3pm and 10pm and between 3am and 5am. According to testimony of civilians from the area many requests were submitted to increase the hours of operation of the generator. But these requests were not answered, although the electricity company promised to solve the problem.

⁹² The coastal police released Shbeer the following day. In his statement to the Centre, Shbeer said that he was held in the Coastal police building in Gaza where his head was shaved. On 25 December 1999, the employees of the electricity company in Khan Younis gathered peacefully in front of the Khan Younis Governate building, they held posters condemning the arrest of Shbeer and the shaving of his head, asking for the responsible parties to be held accountable. PCHR was later informed, on 27 December 1999, that Shbeer had been arrested again by the Criminal Investigation Unit for the same reasons. He was released on 30 December 1999.

PCHR expressed its deep concern in the press release about these events and the arrests resultant. It called for immediate and serious work to solve the problem, and called on the Energy Authority to take its responsibility to secure the necessary electricity and in quickly finding alternatives to the electricity imported from Israeli companies, in order to enable people to receive electricity 24 hours a day. The Centre expressed its belief that El Mawasi area deserves more attention from the PNA officials especially when it is taken into consideration that these areas are located alongside the settlements and therefore face the effects of increasing settlement activities.

(12) Women's Rights Unit

This part of the report covers the Women's Units activities during 1999. It discusses the programmes of the Unit and its most important achievements between 1 January and 31 December 1999. It introduces the Unit's achievements concerning legal aid, as well as its legal awareness lecture programme. Moreover this part of the report outlines the most important training sessions and workshops participated in by the staff of the Unit, as well as the Units interventions with official bodies in 1999.

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 of the unit. By the end of the unit's first year of work on 30 April 1998, and after an evaluation of the unit's work, it was decided to establish the unit permanently. The Women's Unit is working on two basic programmes; the first is the legal aid program and the second is the research and legal awareness program for women

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 Aid 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 1999 the unit followed up more than 172 cases, an increase of 6.3% from 1998 (110 cases in 1998). In addition the Unit provided legal consultation in 23 other cases in 1999. Legal aid offered by the Unit was not limited only to *Sharia'* cases, but also included representation of women before the civil courts. Amongst the cases followed by the Unit were 157 *Sharia'* cases and 15 civil cases. Moreover, the Unit programme for 1999 was characterised by enhancing the coordination between the Unit and the *Sharia'* court in Gaza, and enhancing coordination for women's institutions providing aid and assistance for women. The coordination involved the transfer of a number of cases by women's organisations to the Unit for follow up and intervention before the relevant courts. The Unit also transferred cases requiring social and psychological aid to other relevant women's organisations.

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.

Case Type	Number
Alimony	59
Rights to household property	29
Access rights to children	8
Payment for childcare	2
Separation	19
Obedience	2
Divorce Approval	3
Custody rights	16
Cases settled out of court	19
Total	157

Table of cases pursued by the Unit before Civil Courts in 1999

Case Type	Number
Applications for the return of personal property	8
Applications to repay <i>mahar</i> by installment	7
Total	15

Note: Most of the applications that are submitted to the mediation court are concerning the return of personal property from the ex-husband. Applications to repay *mahar* (bride price) by installments is usually related to a postponed mahar and household property. Usually the husband is unable to pay the complete sum of money at one time. As result the husband submits an application before the mediation court to pay by installments.

Legal Awareness for Women

From its formation, one of the most important goals of the Women's Unit 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 discrimination and abuse against women in Palestinian law. The unit's program was characterized this year by effective coordination with women's institutions throughout the Gaza Strip, in addition to coordination with UNRWA's women's programmes. In this context, the unit delivered a number of lectures to increase legal awareness. The lectures discussed issues like the personal affairs law (marriage, divorce, and inheritance), in addition to lectures on the penalty law, and on women's status in the Palestinian laws.

Legal Awareness Lectures Program in the UNRWA's Women's Centres

During 1999 the Unit continued conducting legal awareness lectures and legal consultation in the Women's Centre in Al Darj area in Gaza. Through coordination with the social services unit of UNRWA's women's program department the Unit conducted lectures in legal awareness and provided legal consultation for a day each week in the UNRWA women programme's Centre in Al Darj camp. The program started in October 1998.

Due to the success of this program, the women's programs in UNRWA expanded the program to include Khan Younis Centre.

The program continued working until May 1999 from which 458 women and girls from different areas in Gaza Strip benefited (228 in Al Darj Centre, and 230 in Khan Younis Centre). The program includes lectures on legal awareness, personal affairs law, and issues of marriage, divorce, and inheritance, in addition to legal consultation.

Details of Legal Awareness Lectures and Legal Consultations Conducted by the Unit in Al Darj's Centre

Lecture	Date	Subject	Number attending
1	8/2/99	Divorce	27
2	15/2/99	Divorce	25

3	1/3/99	Legal Consultations	20
4	15/3/99	Custody	28
5	22/3/99	Legal consultations	22
6	19/4/99	Inheritance	26
7	26/4/99	Inheritance	28
8	17/5/199		24
9	31/5/99	Legal Consultation	28
Total			228

**Lectures on Legal Awareness and legal Consultations conducted by the Unit
in Khan Younis' Centre**

Lecture	Date	Subject	Number attending
1	3/2/99	Marriage	28
2	17/2/99	The Marriage Contract	25
3	10/3/99	Legal Consultation	28
4	24/3/99	Divorce	23

Lecture	Date	Subject	Number attending
5	7/4/99	Divorce	27
6	21/4/99	The conditions in which the wife would have the right to ask for separation	25
7	28/4/99	Legal Consultation	22
8	12/5/99	Inheritance	27
9	26/5/99	Inheritance	25
Total			230

The Legal Awareness in Coordination with other Women's Institutions

During 1999 the unit continued coordinating with other women's institutions concerning the conduction of lectures in legal awareness and consultations in different areas of Gaza Strip. The number of lectures, which the unit conducted by invitations from the feminist institutions of Gaza Strip, is 17 lectures from which 750 women and girls benefited.

Table detailing the Lectures conducted by the Unit in Coordination with Women's institutions in Gaza Strip during the Year 1999

No.	Date	Place	Coordinator	Subject	Attending
1	25/4/99	Beit Hanoun	Union of Women's Committees for Social Work, East and West Gaza	Inheritance	
2	9/5/99	Beit Hanoun	Union of Women's Committees for Social Work, East and West Gaza	Inheritance	
3	20/5/99	El Sha'af	Union of Women's Committees for Social Work, East and West Gaza	Divorce	
4	27/5/99	El Safatwi Project	Union of Women's Committees for Social Work, East and West Gaza	Marriage	32

No.	Date	Place	Coordinator	Subject	Attending
5	29/5/99	El Maghazi	Women Affairs Staff	Penalty Law	25
6	2/6/99	El Karamah Buildings	Union of Women's Committee for Social work	Penalty law	52
7	13/6/99	El Biriej	Women's Affairs Staff	Personal Affairs Law	44
8	11/7/99	El Biriej	Women's Affairs Staff	Divorce	30
9	21/7/99	Al Karamah Buildings	Union of Feminist Work Committee	Inheritance	40
10	22/9/99	Al Karamah Buildings	Union of Women's Committee for Social Work	Inheritance	37
11	19/10/99	Jorit El Loot	Working Women Society	Inheritance	48
12	26/10/99	El Daraj	Working Women society	Inheritance	57
13	3/11/99	Jabalial	Union of Feminist Work Committees	Penalty Law	45
14	3/11/99	El Shati	Union of Women Committees for Social Work	Marriage	47
15	11/11/99	El Zitoon	Working Women Society	Inheritance	54
16	7/12/99	El Shati	Working Women Society	The Women's Status in the Palestinian Laws	
17	8/12/99	El Zitoon	Working Women Society	Divorce	
Total					

Unit Intervention with Formal Institutions

The Unit achieved great success in solving complaints confronted by women. This was done, in part, through contacts made with other concerned institutions. Qualitative achievements for the year were achieved concerning the following:

1) Access to Children

On 10 October 1998, the Unit sent a letter to the Minister of Social Affairs regarding women's access rights to their children following separation from their husbands, under which they were currently required to meet their children in police stations. Many women had complained to the Unit that the police station was an unsuitable venue for these visits, and 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 Mrs. Al Wazier suggesting ten places which would be supervised by the Ministry, and where mothers could meet their children. These places are located in different areas in Gaza Strip.

On 31 January 1999, a meeting between the Unit's staff and representatives from the Palestinian police, and the institutions that were nominated to receive the access visits, was held in the Ministry of Social Affairs in order to discuss the mechanisms of arranging these meetings. It was agreed to coordinate with the *Sharia'* Courts, and the police in order to arrange for these meetings.

On 7 March 1999, in continuation of the above-mentioned efforts, a meeting between the concerned parties was held in the Palestinian Centre for Human Rights Office in Gaza. The meeting was attended by: El Shiekh Mahmoud Salamah, Deputy Chief Justice of the *Sharia'* courts, El Shiekh Mazn Al Gha, *Sharia'* Courts' Inspector, Ikhlās Jameel, Director General of Social Rehabilitation in the Ministry of Social Affairs, Faris Ghanam, Director of Social Defense Department in the Ministry of Social Affairs, Chief Awni Abu Auda, from the Police Directorate, Raji Sourani, PCHR's director, Hanan Mattar, lawyer at PCHR, and Mona El Shawa, researcher at PCHR. The meeting aimed to conclude a mechanism for implementing the court's decision concerning the mothers' right to see their children in the places nominated by the Ministry of Social Affairs.

The participants in the meeting agreed that the *Sharia'* courts are to issue orders allowing the mothers to see their children in the places determined by the Ministry of Social Affairs. The police also committed itself to implementing the *Sharia'* courts decisions in this regard. Since that date all the *Sharia'* courts in Gaza started to issue orders that allow mothers to see their children in the places nominated by the Ministry of Social Affairs, instead of the police stations.

2) The Right to Separation

During the year 1998 the Unit organized, in cooperation with the rehabilitation and women's support program at Gaza Community Menatl Health Programme, a workshop entitled: "The problems faced by women before the *Sharia'* courts when asking for separation". The workshop was attended by the Deputy Chief Justice of *Sharia'* courts, in addition to number of judges in the *Sharia'* courts. The workshop discussed the lack in the law of a provision granting women the right to ask for separation. The workshop recommended, among other things, to bring into force article 97 of the Family's Rights of 1954, under which the husbands' abandonment of his wife is to be acknowledged as a damage to the wife.

On the lights of the recommendations, the *Sharia'* courts started in 1999 to accept women's applications for separation. The courts began to handle these applications after a recommendation from the Deputy Chief Justice of the *Sharia'* courts.

Part 3: THE CENTRE'S RELATIONSHIP WITH LOCAL SOCIETY

The Centre paid a good deal of attention to its relationship with local society 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 1999 the Centre was active at different levels in this regard.

(1) 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 services that the Centre provides for the public without discrimination. Accordingly, the Centre continued delivering its direct and indirect services to the public during 1999. 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. It is expected that more services will be provided to the public in 2000, especially after the opening of two offices for the Centre in Khan Younis and Jabalia refugee camps. 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 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 1999 the Units followed up the cases of 614 clients. Amongst them 81 clients received legal consultation, while the other 533 clients delegated the Units to represent their cases before the concerned institutions. In addition to what has been mentioned in other parts of this report concerning the legal aid for the Palestinian prisoners in Israeli prisons or PNA's prisons, the Unit intervened to the concerned institutions regarding 53 other cases. The following table illustrates the institutions to which the Unit intervened, and the responses of these institutions on the unit's correspondence or complaints.

Institution	Number of Complaints	Number of Responses
The Attorney General	20	Nil
Ministry of Housing	8	8
Ministry of Health	6	5
Ministry of Justice	3	Nil
Ministry of Finance	3	Nil

Institution	Number of Complaints	Number of Responses
Ministry of Religions	1	Nil
Ministry of Social Affairs	1	Nil
Ministry of Education	1	Nil
General Personnel Agency	4	1
Police Directorate	1	1
Others ⁹³	5	5
Total	53	20

The Women's Rights Unit provides 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 intervention with the concerned institutions, including the Sharia' courts. In fact, the Centre is the only organisation in Gaza Strip that provides such services for women.⁹⁴

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

During 1999 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. In 1998, the Centre developed a special program for training with targeted groups from different segments of society as a means to create an effective cadre able to enhance such norms. During 1999 the Centre continued working on this program. At the beginning of 2000, and after appraising the Centre's experience in this regard, the Centre established an independent Unit for training on human rights and democracy.

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.⁹⁵

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.

The training program is implemented by the Centre staff. Senior staff from the Democratic Development Unit, the Economic, Social, and Cultural Rights Unit,

⁹³ This part includes complaints to Non-Governmental parties. These are limited only to complaints and correspondence with the municipality of Gaza, UNRWA, and one British University.

⁹⁴ Regarding legal aid for women, see the Women's Unit's activities in detail, page 161 of this report.

⁹⁵ See in this regard, page 162 of this report, concerning the awareness raising lectures conducted by the Women's Unit in different areas of Gaza Strip.

the Legal Unit, and the Women's Rights Unit cooperate in implementing this program. In addition, experts from outside the Centre are invited to participate. During 1999 six training sessions were organized in which 156 people participated. At the end of each session, the participants were awarded a special certificate from the Centre.

- 1) From 14-21 February 1999, the Centre organized a training session for the staff of women's organisations. Twenty-one female trainees participated in the session, which involved 21 hours of lectures in different subjects to enhance awareness on human rights and democratic values.
- 2) From 1-8 March 1999, the Centre organized a training session on democracy and human rights for the Art college students in the Islamic University in Gaza. Thirty-one students participated in the session. The session highlighted different subjects in human rights and democracy, separation of powers, international humanitarian law, the agreement against torture, documentation for Human rights violations, the human rights conditions in Palestine, and the role of the NGOs in protecting and supporting human rights.
- 3) From 20 March – 10 April 1999, the Centre organized a training session on democracy and human rights focusing on the students of the political sciences department at Al Azhar University. Thirty students participated in a session that involved 24 hours of lectures hours. The training sessions highlighted different issues concerning human rights and democracy such as: the historical development of human rights, introduction to democracy, the international Convention concerning Political and Civil a Rights, the International Convention on Economic, Social and Cultural Rights, the International humanitarian law, the independence of the judiciary and the rule of law, pluralism and separation of powers in a democratic society, human rights monitoring and documentation, the human rights situation in Palestine, and finally, the role of NGOs in supporting and protecting human rights.
- 4) From 22 to 24 May 1999, the Centre organized a training session on human rights and democracy focused on women's affairs staff in Gaza. The session involved 5 training hours daily. 19 participants were involved in the session. The total session was 15 training hours and was coordinated with the Women's Affairs Institute. The session covered different issues concerning human rights and democracy.
- 5) From 31 October to 8 November 1999, the Centre organised a training session focused on University and College students. 27 trainees participated, including male and female students from Al Quds University, the College of Education in Gaza and the College of Science and Technology in Khan Younis. The session took place in coordination with the Ministry for Higher Education. The course included 14 training session, averaging 2 sessions daily. The course covered different issues concerning human rights and democracy.

- 6) From 20 to 28 December 1999, the Centre organised a training course for the staff of the Social Resource Development Institute in Gaza. 28 female and male trainees participated in the course, which was made up of 21 training hours, in 14 training sessions.

(2) 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 in 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 attention to working with NGOs and participates in efforts that aim at enhancing its professional aspects and independence. The Centre is a member of the Palestinian NGO network which is an independent, local framework including many of the most active and professional NGOs. In addition, the Centre has coordinated relations with many NGOs in which opinions and expertise are exchanged.⁹⁶ Finally, the Centre is involved in joint projects and activities with other NGOs and dedicates itself to providing legal services to all Palestinian NGOs.

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

(3) Participation in Workshops and Local Conferences

Another aspect of PCHR's work is the enhancement of relations with the local community through its involvement in different activities that are organized locally, including lectures, workshops, and conferences. NGOs, political parties,

⁹⁶ See for example the joint work of the Centre with the NGOs network of human rights organisations during the PNA campaign against NGOs in 1999, page 131 of this report. Moreover, see the joint work between the Centre and the Palestinian Institute for Human Rights and the Environment (LAW) and Al Haq, along with other institutions concerning the IVth Geneva Convention, pages 175-189 of this report.

or governmental institutions organize these activities. The most important activities that the Centre participated in were as follows⁹⁷:

- 1) On 10 February 1999, Ibtissam Zaout, coordinator of the Field Work Unit, participated as a trainer in the training session organised by the Women's Affairs staff in Gaza. The session focused on women's activists in the Union of Women's Committees for Social Work. Zaout gave a lecture on the International Convention against All Forms of Discrimination against Women.
- 2) On 23 February 1999, by invitation from Cana'an Institute, Iyad El Alami, coordinator of the Legal Aid Unit, presented a lecture on the draft Charitable Organisation Law.
- 3) On 17 March 1999, Raji Sourani, director of PCHR, participated in a two day workshop organised by Cana'an Institute. Sourani presented a paper entitled "Children under Palestinian Law: The Reality and the Ideal". In his paper Sourani introduced the legal protection for the child according to Palestinian law. He discussed the Juvenile Law of 1937 and the Labour Law of 1964, the Personal Affairs Law, and the Citizenship Law, and the effect of these laws on the rights of the child.
- 4) On 14 April 1999, Iyad El Alami presented a working paper about police laws in Palestine to a workshop organised by the Palestinian Independent Commission for Citizens Rights. The workshop was attended by a number of lawyers and human rights activists in offices of the Bar Association.
- 5) On 24 May 1999, by invitation from the Women's Affairs Centre in Gaza, Raji Sourani presented a lecture on the status of women under Palestinian Law, compared to the relevant international conventions and laws.
- 6) On 6 June 1999, by invitation from Cana'an Institute, Iyad El Alami participated in the training session held in the Institute's office. El Alami presented a paper about the legal status of charitable institutions in Palestine.
- 7) On 22 June 1999, by invitation from Temple Mount University, Raji Sourani presented, at Tel Aviv University, a paper on the conditions of Palestinian human rights five years after the Oslo Accords.
- 8) On 27 June 1999, by invitation from the Gaza Community Mental Health Programme, Raji Sourani participated in the Press Conference held in the Journalist Association office in Gaza on the occasion of the United National Universal Day to Support Victims of Torture. The conference was organised

⁹⁷ See the lectures conducted by the Women's Unit in cooperation with women's organisations, page 162 of this report.

under the title "Toward a Palestinian Society Free of Torture - Towards a National Plan to Support Victims of Torture in Palestinian Society".

- 9) On 5 August 1999, by invitation from the Palestinian-Israel Journal Institute, Raji Sourani participated in a session in Notre Dame Centre in Jerusalem. Sourani presented a paper titled "Who Cares about Human Rights?" in cooperation with Moshe Henachbi.
- 10) On 25 August 1999, Raji Sourani participated in the weekly dialogue organised by Cana'an Institute. Sourani presented a paper on the nature of PCHR's work.
- 11) From 29 - 30 August 1999, the Centre participated in the "Conference for Freedom". The conference was organised by the Ministry of Prisoners and Released Prisoners Affairs in Cooperation with the NGOs, and was held in Rasha El Shawa Cultural Centre. Raji Sourani participated in the conference's chairing committee, and was elected as the secretary for the conference. Moreover, Iyad El Alami participated, on behalf of the Centre in the Conference Steering Committee. El Alami presented a paper on "The Conditions of Prisoners - The Role of Human Rights Organisations in Defending Prisoners".
- 12) From 29 - 30 September 1999, Raji Sourani participated in a workshop concerning the relations between human rights organisations and the Palestinian Authority, organised by the Public Relations Department of Al Quds University. Sourani presented a paper titled "Human Rights Organisations in Palestine: Adapting to Change".
- 13) On 14 October 1999, by invitation from the Palestinian Working Women's Society, Hamdi Shaqura, coordinator of the Democratic Development Unit, conducted a lecture on democracy. The lecture was held in Beit Lahiya.
- 14) From 2 -3 November 1999, Issam Younis, coordinator of the Economic and Social Rights Unit, participated in a training session for the employees of the Union of Agricultural Relief Societies in Gaza. The training focused on the decision making process.
- 15) On 24 November 1999, Mona Shawa, coordinator of the Women's Unit, presented a paper titled "Women and Violence" in a workshop organised by Development Resources Centre in Gaza.
- 16) On 18 November 1999, Hamdi Shaqura participated in the workshop held on the occasion of issuing the Draft Citizens Rights Handbook, prepared in cooperation between Al Haq and the Palestinian Information Centre for Human Rights, in Jerusalem. At the workshop, held in Gaza, Shaqura presented paper on the human rights situation in Palestine.

- 17) On 20 November 1999, Hamdi Shaqqura participated in a training session aimed to promote strong women leaders organised by the General Association for Public Service. The training session was held from 20 November and 6 December 1999 in the offices of the General Union of Labour Associations. In his paper Shaqqura presented different issues concerning government systems, focusing on the democratic system and its implications.
- 18) On 21 November 1999, Issam Younis participated in the above-mentioned training course. Younis presented a paper on issues concerning human rights and the rule of law.
- 19) From 21 - 23 December 1999, the Centre participated in the Fourth International Conference of the Gaza Community Mental Health Programme, held under the title "Women in Palestine". Mona Shawa represented the Centre in the membership of the consultation committee of the conference.

(4) The Relationship of the Centre with Palestinian Authority Institutions

Since its establishment in 1995 the Centre has worked at enhancing constructive 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 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, PCHR believes 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 positive and constructive dialogue with them.

Part 4: THE ACTIVITIES OF THE CENTRE AT THE REGIONAL AND INTERNATIONAL LEVEL

During 1999 the Centre continued its regional and international activities aimed at respecting human rights in the Occupied Palestinian Territories and participating in efforts to achieve the Palestinians' inalienable political rights. One aspect of the Centre's work during 1999 focused on securing the *de jure* application of the Fourth Geneva Convention of 1949 in the Occupied Territories. A second aspect of the Centre's work involved intervening with UN bodies to report on 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.

(1) The Campaign to secure the *de jure* Application of the Fourth Geneva Convention in the Occupied Palestinian Territories

During 1999 the Centre continued its efforts at the local and international levels to secure the *de jure* applicability of the Fourth Geneva Convention Concerning the Protection of Civilians in Time of War in the Occupied Palestinian Territory. In this context the Centre closely followed all developments concerning the United Nations General Assembly's invitation to hold a conference for the High Contracting Parties to the Convention to discuss measures to implement the Convention the Occupied Palestinian Territory.

In a resolution adopted on 8 February 1999, the UNGA set 15 July 1999 as the date to convene the Conference of the High Contracting Parties. Accordingly, PCHR began to implement an international campaign with the participation of a number of experts, human rights activists, international, Arab and Palestinian human rights organisations, to increase awareness of the conditions in the Occupied Palestinian Territory and human rights violations, as well as developments concerning the High Contracting Parties' Conference, particularly Swiss measures. Moreover the Centre's campaign aimed at pressuring and influencing the stances of the High Contracting Parties to the Convention, to encourage them to fulfil their commitments under the Convention. The Centre conceived its role as complementing the PLO role in achieving the goals of the Conference.

Memorandum on United Nations General Assembly Resolution

On 3 March 1999, PCHR published a memorandum on the United Nations General Assembly Resolution A/RES/L.5/Rev.1 of 8 February 1999, which set the date of 15 July 1999 as the date for the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention.

The Centre considers the resolution to be of the utmost importance, it is the last in a series of five resolutions adopted by the General Assembly addressing the continuing Israeli violations of human rights in the Occupied Palestinian Territories. The resolution pays special attention to the provisions of the Fourth Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War. The four earlier resolutions are A/RES/ES-10/2, ES-10/3, ES-10/4, and ES-10/5. As a result of the persistent Israeli violations of the provisions of the Convention, the General Assembly concluded that there should be a conference of the High Contracting Parties (HCPs) to the Convention in order for the parties to fulfill their obligations under Article I of the Convention. The resolution is meant to ensure that the rights of Palestinian civilians and their properties are granted the protection of the Convention. To achieve this end, the UNGA invited the HCPs to convene a conference to explore possible measures to implement the Convention in the Occupied Palestinian Territories in a *de jure* manner.

The General Assembly also authorized the Swiss government, as the depository of the Convention, to take the necessary preparatory measures to convene the intended conference. The new resolution affirms the following:

- 1) Israel continues to disregard UN resolutions and the rules of international law as well as the provisions of the Fourth Geneva Convention through its illegal policies and measures in Jerusalem and the rest of the Occupied Territories, especially in its settlement activity and the confiscation of Palestinian land;
- 2) In spite of the measures taken by the Swiss government, including the convening of a quadrilateral meeting on 9-11 June 1998 which encompassed representatives of the Israeli government, the Palestine Liberation Organization, the Swiss government, and the International Committee of the Red Cross (ICRC), in addition to the convening of an experts' meeting in Geneva on 27-29 October 1998, Israel continues to violate the provisions of the Fourth Geneva Convention;
- 3) The United Nations is determined to continue its work to ensure that Israel, the occupying power, abides by the resolutions adopted at the 10th Emergency Special Session of the General Assembly;
- 4) All illegal actions taken by Israel in Jerusalem and the rest of the Occupied Palestinian Territories remain contrary to international law and cannot be recognized irrespective of the passage of time;

- 5) The UNGA reiterates its recommendation for the HCPs to the Convention to convene a conference on measures to enforce the Convention in the Occupied Palestinian Territories and to ensure respect for their obligations under Article I;
- 6) The UNGA recommends that the HCPs convene the said conference on 15 July 1999 at the UN office in Geneva;
- 7) The Swiss government, as the depository of the Convention, is invited to undertake whatever preparations are necessary prior to the conference; and
- 8) The UNGA expresses its confidence that Palestine, as a party directly concerned, will participate in the above-mentioned conference.

By adopting this resolution and setting 15 July 1999 as the deadline for the convening of the conference of the HCPs, the international community, through the United Nations, has taken an important step toward reaffirming the legal obligations of the HCPs and translating them into measures to enforce the Convention in the Occupied Palestinian Territories, including Jerusalem.

PCHR continues to closely follow all developments and accompanying measures to convene a conference of the HCPs. In November 1998, PCHR issued a study containing all the press releases, legal analytical reports, and relevant official documents related to the UN invitation to convene a conference of HCPs. The resulting Swiss performance is also included in the study.

Based on the importance of convening a conference of the HCPs in July 1999 and of ensuring its success in achieving the desired goal, the Palestinian Centre for Human Rights (PCHR) would like to clarify some issues that should be taken with the utmost seriousness if the international community and the parties directly concerned are to enforce the Convention in a *de jure* manner, provide protection for Palestinian civilians and their properties, and preserve the legal status of the Palestinian territories as occupied territory.

Firstly, in spite of the UN determination to continue its work to enforce the Convention in the Occupied Palestinian Territories, the UNGA, which authorized the Swiss government to prepare for the conference of the HCPs and to take necessary measures to achieve that end, did not evaluate the steps taken so far by the Swiss government. In fact, the steps taken so far by the Swiss government, in its capacity as the depository of the Convention, have not been appropriate and have violated the letter and spirit of the earlier UNGA resolutions and the terms of their authorization. For example, such violations occurred when the Swiss government organized an experts' meeting in Geneva on 27-29 October 1998. According to the UN resolutions, this meeting was intended to specifically address the case of the Occupied Palestinian Territories as a preparatory step for convening a conference of the HCPs to the Convention. Instead, the Swiss government invited experts to address problems regarding the application of the

Fourth Geneva Convention in occupied territories in general, rather than specifically in the Occupied Palestinian Territories as called for in the UNGA resolutions. The Swiss government has done its best to make the application of the Convention an Israeli-Palestinian issue, which was not at all the aim of the UNGA resolutions. These resolutions had targeted the HCPs to fulfill their obligations rather than simply leaving it to Israeli and Palestinian negotiators. In this regard, the Swiss government organized a quadrilateral meeting encompassing the Israeli and Swiss governments, the PLO, and the ICRC, which did not contribute to achieving the goals of the UN resolutions.

Secondly, PCHR's stand on this matter was similar to that of UN High Commissioner for Human Rights Mary Robinson. Mrs. Robinson deserves respect and appreciation for her committed work on the part of human rights. The strength of her position was very clear in the speech delivered on her behalf at the aforementioned meeting of experts. She mentioned that the UN resolutions were specifically related to the Occupied Palestinian Territories and that all UN treaty-monitoring bodies to date have determined the applicability of Israel's *de jure* obligations to apply the human rights covenants and conventions in the Occupied Territories. In her moving speech she said, "When the subject of law is human dignity itself, time is of the essence. Where grave breaches are at issue, and lives at stake, delay is tantamount to complicity. Respect for human rights and the application of humanitarian law cannot, and must never be deferred in the name of political expediency."

The Swiss government considered Mrs. Robinson's speech to be in contradiction to the terms of reference of the meeting. Moreover, the representative of the Swiss government stated in a letter to Mrs. Robinson that the speech "was also at odds with the spirit that the Swiss authorities and I, in particular, were trying to breathe into the meeting, so as to avoid any prejudice to the integrity of international humanitarian law and thus, to the interest of the victims of violations of that law all over the world." Mrs. Robinson rebutted that claim by saying that this meeting was taking place in the context of General Assembly resolutions. Her office could not have participated in such a meeting without underlining certain basic tenets contained in those resolutions.

Thirdly, the Israeli government rejected the UN resolutions, especially the last one, and declared its intention to boycott the conference of the HCPs. This stand was expected as the Israeli government has systematically refused to cooperate with the United Nations and its human rights and investigative bodies. Israel claimed in a statement by its ambassador to the United Nations that the call for a conference is "a vulgar distortion of international humanitarian law for the purpose of narrow political interests." The ambassador also claimed that 97 percent of the Palestinian population of the West Bank and Gaza Strip live under Palestinian rule. Without over-elaborating on the ambassador's false claims, it is clear that Israel, even after the establishment of the Palestinian Authority with its limited authority and jurisdiction, continues to be the belligerent occupying power and remains obliged to fulfill *de jure* the provisions of the Fourth Geneva

Convention in the Occupied Palestinian Territories. Moreover, Palestinians (and their properties), even those under Palestinian jurisdiction, are subjected to systematic violations of their rights. Military orders enacted by the Israeli occupying force, by which it has controlled the West Bank and Gaza Strip since 1967, are still in force. These military orders result in confiscation of Palestinian land, establishment of Jewish settlements, demolition of Palestinian homes, deportation of Palestinians outside of their country, and other violations of basic rights upheld by international law.

In spite of the Israeli position, the convening of the conference of the HCPs to investigate measures to enforce the Convention by the parties themselves does not need the consent of Israel or even its presence. Whether Israel is present or not, this does not change the legitimacy of the conference. Indeed, if Israel fails to appear it could be argued that this would be to the benefit of the outcome of the conference based on the fact of Israeli enmity toward the international consensus. This should motivate the HCPs to do their utmost to fulfill their obligations by enforcing the UN resolutions and the provisions of the Convention.

Fourthly, in spite of the major development regarding the enforcement of the Convention that came with recognizing 15 July 1999 as the deadline for the convening of the conference, the General Assembly did not explicitly state which body – the United Nations or the Swiss government – would be responsible for inviting the parties to convene. This role should be claimed by the United Nations for itself, and be based on a definite and clear agenda that finally would contribute to the enforcement of UN resolutions.

Fifthly, undoubtedly the convening of the HCPs to the Fourth Geneva Convention of 1949 is unique and unprecedented in the history of the Convention. Since the adoption of the Convention in 1949 until today, the HCPs have never been asked to convene to investigate measures to enforce the provisions of the Convention in a specific case. This matter has important implications for the HCPs because whatever steps and measures are taken to enforce the Convention in the Occupied Palestinian Territories will determine its future applicability in other similar cases throughout the world. The outcome of the conference will constitute a precedent that either will promote the Convention or undermine it. The HCPs, while they are making the law in their scheduled conference, should fulfill all their legal obligations honestly and forthrightly in order to make the Convention fully capable of redressing the victims of occupations all over the world. The HCPs should not sacrifice human rights for the sake of narrow political interests and should not justify such actions on the basis of the ongoing peace process between the PLO and the government of Israel. This process, which is in a deadlock, has resulted in the continuation of grave violations of human rights in the Occupied Palestinian Territories rather than putting an end to such violations. If the HCPs want to push the peace process forward, they should apply *de jure* the provisions of the Convention, uphold the rules of international law, and undertake all available steps and measures to do so.

Sixthly, PCHR appreciates the Palestine Liberation Organization's position as it resulted in the adoption by the UNGA of the new resolution and the demand for applying *de jure* the Fourth Geneva Convention of 1949 to the Occupied Palestinian Territories. The PLO has been invited many times to coordinate with Palestinian civil society in order to make use of all available expertise and to ensure that the conference results in the expected goals. Moreover, the PLO is invited to review the ongoing process, especially the Palestinian involvement, to ensure the convening of the conference on the basis of the UN resolutions.

Seventhly, in the light of the new development regarding the convening of the conference of HCPs, the ICRC is required as the guardian of the Geneva Conventions to do its utmost to ensure that the conference will realize its goals. While PCHR highly appreciates the committed position that the ICRC expressed at the experts' meeting organized by the Swiss government last October, we invite the ICRC to distinguish its position from that of the Swiss government. In this regard, the ICRC is asked to review all measures taken so far, especially its participation in the aforementioned quadrilateral meeting.

The Palestinian Centre for Human Rights (PCHR), while calling for the honest and serious implementation of the UN resolutions, regards the Swiss government as a party that does not have the capacity or the intention to ensure the proper implementation of the UN resolutions. This position is based on the steps and measures taken by Switzerland, which deviate from the spirit and letter of the UN resolutions.

A Preparatory Meeting in Geneva, adopting a Position Paper

On 6-7 April 1999, PCHR organised a preparatory meeting for the international campaign to implement the Fourth Geneva Convention in the Occupied Palestinian Territories. The Palestinian Centre for Human Rights initiated this campaign in association with Palestinian human rights organizations. A number of Palestinian, Arab, and international organizations, as well as human rights experts and activists were attended the preparatory meeting. The meeting was held in the UN Headquarters in Geneva. The meeting participants discussed a plan of action for the partners proposed as a basis for the campaign to adopt the Fourth Geneva Convention in the Occupied Palestinian Territories.

The meeting was attended by representatives of the Palestinian Centre for Human Rights, the International Federation of Human Rights, Al-Haq, the International Commission of Jurists, the International Commission of Jurists - Sweden, the Robert F. Kennedy Memorial Center for Human Rights, the Arab Organization for Human Rights (Dr. Muhammad Faiq, Secretary General), the Arab Lawyers Union (Dr. Faruq Abu Issa, Secretary General), the Arab Working Group for Human Rights Defenders (Dr. Muhammad Mandour, Coordinator), the Morocco Organization for Human Rights (Dr. Muhammad Mawaqit), as well as Abdel Rahman Abu El-Nasser, Chairperson of the Palestinian Bar Association, Dr. Agneta Johansson of Sweden, Greg Nott of South Africa, Professor Paul de Waart

of the Netherlands, and Suha Bishara from the Lebanese Committee for the Release of Lebanese Prisoners in Israel.

The preparatory meeting was held in the context of the resolutions adopted by the UN General Assembly, the latest of which had been adopted on February 8, 1999, in which it called for the High Contracting Parties to the Fourth Geneva Convention to convene a conference on measures to implement the Fourth Geneva Convention in the Occupied Palestinian Territories. The conference of the High Contracting Parties was scheduled for July 15, 1999. This conference was considered to be of great importance as it would be the first meeting of its kind since the signing of the Convention in 1949.

The participants committed themselves to immediate action to exert pressure and to influence the High Contracting Parties to ensure that the conference would be held according to the purpose set out in the UNGA resolutions and on the specified date. They also committed themselves to exerting pressure on the High Contracting Parties to the Fourth Geneva Convention for the implementation of practical measures regarding the Convention and the Occupied Palestinian Territories.

During the Geneva meeting, participants adopted a position paper pertaining to grave breaches of the Convention, other breaches of the Convention, and unilateral measures to change the status of parts of the Occupied Territories, this position paper was released to the press. Furthermore, a plan of action was adopted regarding practical steps to be implemented by each of the participants in its own country, targeting in this manner a number of the High Contracting Parties.

The participants who signed the position paper asserted that the Conference would be the minimum level for meeting the requirements for protecting civilians in the Occupied Territories, particularly with the ending of the interim period. They also asserted that the convening of the Conference on 15 July 1999, was essential to achieve a just, comprehensive and lasting peace between Palestine and Israel. The participants determined the following areas for the attention of the High Contracting Parties in order to secure the implementation of the Convention, as follows:

1. Grave breaches of the Convention

Grave breaches of the Convention, such as torture or inhuman treatment and the taking of hostages, constitute war crimes. The HCPs are under a legal obligation, in accordance with article 146 of the Convention, to search for persons alleged to have committed or to have ordered to be committed such grave breaches and to bring them, regardless of their nationality, before their own courts. Specific measures should be taken to ensure that this obligation is fulfilled.

2. Other breaches of the Convention

Other serious breaches of the Convention include the establishment of Israeli settlements in the Occupied Palestinian Territories, including Jerusalem. The establishment of settlements is illegal according to Article 49 of the Convention, as has been repeatedly confirmed by UN resolutions.

3. Unilateral measures to change the status of parts of the Occupied Territories

Unilateral measures to change the status of parts of the Occupied Territories, including *de jure* and *de facto* annexation, are illegal according to the Convention. HCPs should not take measures that will lead to illegality.

In the circumstances, the participants urge the HCPs to focus the agenda of the Conference on specific measures to be adopted to stop the above-mentioned breaches. The overall objective of the Conference must be to ensure compliance with the Convention. In this regard, reference is made to the decision by the European Commission recommending that its Member States not import goods produced in the Israeli settlements. The participants look forward to the HCPs adopting similar constructive measures at the Conference. By so doing, the HCPs will remove a serious obstacle in the way of true conciliation between Israelis and Palestinians.

To this end, the participants, as part of civil society, commit themselves to support the HCPs in the implementation of the Convention.

The position paper was signed at Geneva on 7 April 1999 by:

Palestinian Centre for Human Rights
Al-Haq
International Federation of Human Rights
International Commission of Jurists
International Commission of Jurists – Sweden
Robert F. Kennedy Memorial Center for Human Rights
Arab Organization for Human Rights
Arab Lawyers Union
Arab Working Group for Human Rights Defenders
Morocco Organization for Human Rights
Abdel Rahman Abu El-Nasser, Chairperson of the Palestinian BAR Association
Agneta Johansson, Sweden
Greg Nott, South Africa
Paul de Waart, the Netherlands
Amnesty International, Swiss Section (observer)

Also signed by:

The Jerusalem Center for Legal Aid
The Palestinian Independent Commission for Citizens' Rights

LAW, the Palestinian Society for the Protection of Human Rights and the Environment
Middle East Watch
Cairo Institute for Human Rights Studies.

Raising the Issue of the Fourth Geneva Convention in International Conferences

Within the context of its campaign to implement the Fourth Geneva Convention the Centre raised this issue at the Euro-Med Human Rights Network held in Stuttgart, Germany on 14 April 1999. The meeting was an important step in the efforts to involve international and regional organisations in the campaign to pressure the High Contracting Parties to the Fourth Geneva Convention to convene the conference at the scheduled date and according to the purposes set out in the UNGA resolutions. Fifty three organisations at the Euro-Med meeting signed the position paper which was adopted at the preparatory meeting in Geneva.

Between 23-25 April 1999 the first meeting of the Arab Human Rights movement was held in Casablanca in Morocco. The Conference was organised by the Cairo Centre for Human Rights Studies in cooperation with the Moroccan Organisation for Human Rights. The Conference was attended by most Arab human rights organisations as well as a number of human rights experts and activists. The developments regarding the convening of the Conference of HCPs was a matter of great concern for the participants. One of the sessions was allocated to this subject, to investigate the role of Arab human rights organisations in the international campaign for the implementation of the Convention in the OPTs.

As part of the continuing work of PCHR to ensure the implementation of the Convention in the OPTs, PCHR participated in the meeting of the Euro-Mediterranean NGO's Network which took place in Stuttgart, Germany on 14 April 1999. The implementation of the Convention and the taking of preparatory measures for the convening of the Conference were discussed, 53 NGOs (including B'tselem, an Israeli human rights organisation) signed the position paper that was adopted by the International Campaign for the Implementation of the Convention. This meeting was an important forum to ensure the participation of regional and international organisations effectively in the countries where they work to lobby and pressure their governments to ensure that the Conference would convene on the dated specified and on the basis defined by the UNGA.

PCHR also participated in a meeting held in Cairo on 5 June 1999, and organised by the Afro-Asian Peoples' Solidarity Organisation, based in Cairo, to follow up the relevant UNGA resolutions. It is worth mentioning that the organisation has established a permanent coordination committee to follow up the implementation of the UN resolutions regarding Palestine. The meeting was attended by a number of experts, representatives of the Arab League, as well as representatives of NGOs, among them PCHR. PCHR's representative briefed the meeting about the ongoing process. Participants agreed:

1. To lobby and pressure HCPs and the Swiss government to convene the Conference at its specified time.
2. To provide the concerned parties with researches, studies and suggestions about the mechanisms and measures by which Israel can be obliged to implement UN resolutions.
3. To demand that the Conference of HCPs should result in specific results to force Israel to abide by international law.

Palestinian Human Rights Organizations Demand Convening of the Conference

On 14 June 1999, a preparatory meeting for the 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 met in Cairo. The preparatory meeting was sponsored by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People. On this occasion Palestinian human rights organisations, by the initiative of PCHR issued a press release demanding the convening of the HCP Conference on its specified date.

The press release stated that in light of the measures that had been taken so far, which are not in harmony with the invitation for the convening of the conference and the intended goals, and due to the fact that at the time, only one month remained before the conference to achieve the intended goals of the UN resolutions to enforce the Convention in the Occupied Palestinian Territories by putting an end to the daily suffering of the Palestinian people, providing protection for them and their properties, and ensuring the rule of international law as a foundation that cannot be ignored for any of the arrangements related to the Occupied Palestinian Territories, Palestinian human rights organizations demanded the following:

- 1) The convening of the conference at its specified time based on the goals defined by the United Nations. Any failure to hold this conference poses a grave danger to the legal status of the Occupied Palestinian Territories and represents a severe lack of concern for international humanitarian law. Any other alternative would in fact make a mockery of international law and only contribute to the Israeli government continuing practices and measures that violate the provisions of the Convention and other rules of international law. This would definitely result in the deterioration of the situation in the Occupied Palestinian Territories and pose a significant threat to international security and peace.
- 2) Not to allow the peace process to take priority over the conference as this could result in the conference not being convened. The convening of the conference does not contradict the crisis-ridden peace process. Indeed, the convening of the conference at its specified time would constitute a strong

push for peace in the region. Real peace cannot be achieved without being based on the parties' respect for the rule of international law. Moreover, real peace demands the recognition of the Palestinian territories as occupied territories, demands Israeli respect for its legal obligations under the Fourth Geneva Convention, and demands putting an end to Israel's systematic violation of Palestinian rights.

- 3) To condemn the Israeli and American position that is against the convening of the conference. This Israeli and American position is an intentional attempt to undermine the international will and a significant step toward the violation of international humanitarian law. The international community recognizes that the situation in the Occupied Palestinian Territories is both very dangerous and intolerable. While the international community is asking the HCPs to put an end to this situation, Palestinian human rights organizations see the United States taking a stand opposing the international position. The American position will only contribute to the continuation of Israeli violations of the Convention, the ongoing committing of war crimes, and the danger of undermining international peace and security.

The following organisations signed the press release:

1. Palestinian Centre for Human Rights
2. Palestinian Independent Commission for Citizens' Rights
3. Al-Haq
4. Center for Democracy and Workers' Rights
5. Al-Dameer Association for Human Rights – Gaza
6. Jerusalem Center for Legal Aid
7. Women's Center for Legal Aid and Counseling
8. Addameer Prisoners' Support Association – Jerusalem
9. Palestinian Centre for Nonviolence

PCHR and LAW organise a Parallel Meeting

The Palestinian Centre for Human Rights and LAW organised a parallel meeting in Geneva on 14 and 15 July 1999. The meeting aimed to monitor the High Contracting Parties Conference to investigate measures to enforce the Convention in the OPTs. International, regional and Palestinian NGOs, along with a number of experts, attended the meeting.

Press Release Issued by the Parallel Meeting

At the end of the first day of the parallel meeting on 14 July 1999, the participants issued the following press release.

“The parallel meeting of human rights organisations, convened by LAW and PCHR, with the participation of international, Arab and Palestinian NGOs and

experts, met in Geneva on 14 July 1999, to follow and discuss the planned Conference of High Contracting Parties to the IVth Geneva Convention of 1949, on measures to enforce the Convention in the Occupied Palestinian Territories. The meeting agreed the following in plenary:

The Conference of High Contracting Parties called for by United Nations General Assembly resolution, ES 10/6 of 9 February 1999, represents an important opportunity to advance the application of international humanitarian law. This Conference occurs at a moment when the world is commemorating the fiftieth anniversary of the Geneva Conventions. It also comes at a time of increasing international efforts to ensure accountability for violations of human rights and humanitarian law, as evidenced by the Rome Statute establishing an International Criminal Court, and the greater exercise of universal jurisdiction with regard to war crimes and crimes against humanity.

There exists a long-standing and unanimous consensus of the High Contracting Parties, with the sole exception of Israel, that the Convention is de jure applicable to all of the Occupied Palestinian Territories, including Jerusalem. The Conference provides an opportunity for the High Contracting Parties to give effect to their obligations under Article 1 both to respect and to ensure respect for the provisions of the Convention. Unfortunately, the process established to follow up the General Assembly call for enforcement measures has been politicised by efforts to give political negotiations between the parties to the conflict priority over international humanitarian law. Discharging the Article 1 requirement to comply with and enforce protections for civilians in occupied territories must not be made contingent on the outcome of political negotiations. Enforcement cannot be left to negotiations between occupier and occupied. The international community's discharge of its obligations under international law must not be subordinated to the desire to promote political negotiations. The pursuit of a durable peace requires respect for international human rights and humanitarian law. The High Contracting Parties are under a legal obligation to discharge their duties under the Convention in good faith.

Israel's violations of the Convention are well known, and well documented. Measures of enforcement include those specifically mentioned in the Convention itself, such as the Article 146 obligation to pursue and prosecute those alleged to have committed grave breaches. The process established by the relevant UN General Assembly resolutions has regrettably been marked by numerous and significant politically motivated delays and efforts to defer or postpone the conference indefinitely. We are gravely concerned by the pressure exerted by the United States to derail the 15 July conference, and by the readiness of other parties, notably Australia and Canada, to concede to such pressures. The European Union states have also displayed a lamentable readiness to subject their Article 1 obligations to political considerations. A lack of transparency has also characterised the process, including the decision to exclude NGOs from the 15 July conference.

The High Contracting Parties, in particular those that have agreed to the convening of the conference should adopt a substantive agenda at the 15 July conference designed to address the ongoing Israeli breaches of the Fourth Geneva Convention in the Occupied Palestinian Territories. In particular, (a) grave breaches, including, but not limited to, wilful killing, torture, inhuman treatment, unlawful confinement of protected persons, and extensive destruction and appropriation of property, as specified in Article 147; (b) other serious breaches of the Convention, such as establishment and expansion of Israeli settlements contrary to Article 49, and; (c) unilateral measures to change the status of parts of the Occupied Palestinian Territories, including in Jerusalem. The High Contracting Parties must also ensure that neither they nor their nationals contribute to these violations.

We remind High Contracting Parties of their existing obligations under Common Article 1, regardless of the outcome of the 15 July 1999 conference, to ensure respect for the rights of protected persons in the Occupied Palestinian Territories. As a matter of priority, monitoring and other mechanisms should be put in place to ensure protection of the civilian population in the Occupied Palestinian Territories. Any decision to abstain from adoption of enforcement measures in deference to political negotiation would represent an impermissible politicisation of international humanitarian law, and complicity in its violation.

Signed on 14 July 1999 by:

Afro-Asian People's Solidarity Association
Amnesty International
Association Switzerland-Palestine
Euro-Mediterranean Human Rights Network
Federation Internationale des Ligues des Droits de l'Homme
Human Rights Watch
International Commission of Jurists
International Commission of Jurists - Swedish Section
International Observatory for Palestinian Affairs
International Service for Human Rights
World Federation of Democratic Youth
Arab Lawyers' Union
Arab Organisation for Human Rights
Arab Working Group for Human Rights Defenders
Jordanian Committee on the Implementation of the Geneva Convention in the Occupied Palestinian Territories
Jordanian Society for Citizen's Rights
Jordanian Society for Freedom and Democracy
Jordanian Society for Human Rights
Mizan - Law Group for Human Rights
Adalah - Legal Centre for Arab Minority Rights in Haifa
Al-Haq
Jerusalem Centre for Social and Economic Rights

Jerusalem Legal Aid Centre
LAW
Palestinian Centre for Human Rights
Palestinian Bar Association
Arab Organization for Human Rights – Jordan
Arab Organization for Human Rights – London”

Further Press Release issued by the Parallel Meeting

Under the title “*A Bad Precedent After Fifty Years*” the participants of the parallel meeting issued a further press release on 15 July 1999, expressing their deep disappointment at the outcome of the Conference of the High Contracting Parties, as follows:

“The Fourth Geneva Convention of 1949 protects civilians under conditions of military occupation against violations by the Occupying Power of their fundamental human rights, such as torture, wilful killing and the transfer of civilian nationals of an Occupying Power into occupied territories.

A parallel meeting of international, Arab and Palestinian human rights organisations and experts is extremely disappointed by the conference of High Contracting Parties on Measures of Enforcement of the Fourth Geneva Convention in the Occupied Palestinian Territories. That conference convened today and adjourned after ten minutes, failing even to set a follow-up meeting.

On the occasion of the fiftieth anniversary of the Geneva Conventions, we deeply regret that the High Contracting Parties meeting here have not fulfilled and appeared to have repudiated the mandate they took upon themselves when they voted for the General Assembly resolution calling for this conference. By failing to hold a substantive conference to address pressing questions of enforcement of the Convention, the Parties have undermined and politicised the application of international humanitarian law, not only with regard to this conflict but other and future conflicts as well.

We remind all High Contracting Parties that they are under obligation according to Article 1 to respect and ensure respect for the Fourth Geneva Convention in all circumstances.

We expect the Parties to take immediate steps to ensure that the protection of civilians under occupation as mandated by the Fourth Geneva Convention is implemented.”

Other Press Releases on the Fourth Geneva Convention

1 July 1999

The Centre issued a press release expressing its deep concern about the announcement of three states from the High Contracting Parties to the Fourth Geneva Convention of 1949 Relative to Protection of Civilian Persons in Time of War (United States of America, Canada, Australia) to boycott the UN General Assembly initiative to convene a Conference scheduled for 15 July 1999.

This initiative by the UN General Assembly was prompted by illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territories, especially settlement activities. Such activities have repeatedly been reaffirmed by the General Assembly as illegal and contrary to international law. A resolution of the General Assembly, in February this year, expressed its increasing concern about the persistent violations by Israel, the occupying Power, of the provisions of the Fourth Geneva Convention in the Occupied Palestinian Territory.

In the context of these concerns and conscious of the serious dangers arising from the persistent violations and grave breaches, the General Assembly took the unprecedented action of recommending that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem. The General Assembly further recommended that the said conference be convened on 15 July 1999 at the United Nations Office at Geneva.

Furthermore, support for this initiative has been clearly given from international as well as Palestinian and Arab civil society and from leading international human rights organizations.

Nevertheless, contrary to the will both of the UN General Assembly and of international civil society and international human rights organizations, the United States of America, Canada and Australia have announced their intentions, as High Contracting Parties to the Convention, to boycott the scheduled conference. We regard this stance as contrary to the States' legal obligations under article 1 of the Fourth Geneva Convention.

This empty seat policy is an intentional undermining of the State parties' legal obligations, the rules of international humanitarian law and the will of the international community as expressed in the relevant UN resolutions. It represents a politicization of international law and as such it endangers international peace and security.

In support of their position the States concerned have suggested that the proposed conference is, by itself, a politicization of the Fourth Geneva Convention. On the contrary, this initiative by the UN General Assembly as it is, and as we see it, is not a political maneuver but rather a determined effort to ensure the respect by High Contracting Parties, including Israel, of their legal obligations under the Convention.

It has also been suggested that the Conference should be postponed again (the date has already been moved from 15 April to 15 July because of the Israeli elections) as a 'goodwill gesture' toward the new Israeli government and to allow them to restore the severe damage to peace process.

On the contrary, by taking the position of boycotting the Conference on the pretext of "giving peace a chance", these States are in fact undermining the peace process which can only proceed on the basis of international human rights and humanitarian law.

Therefore, if the newly elected Israeli government genuinely wishes to pursue the process of peace, the Conference offers it an excellent opportunity to demonstrate such a desire and to show the international community that it intends to do so on the basis of respect for international law.

PCHR appeal to our partners to take action immediately and urgently to demonstrate the will of international civil society by condemning this empty seat policy. We urge all such partners to write to their governments, especially European governments and in particular the German Government as the head of the EU to fulfil their obligations under international law and to hold the Conference at the scheduled date. Furthermore, to contact the governments and embassies of the States opposing the General Assembly initiative and to apply pressure to those States to fulfill their obligations as High Contracting Parties under article 1 of the Convention.

15 August 1999

The Centre issued a press release on the 50th Anniversary of the Fourth Geneva Convention: Justice Delayed, Justice Denied. The press release mentioned that on 12 August 1999 the world commemorated the 50th anniversary of the adoption of the Geneva Conventions, which constitute the cornerstone of international humanitarian law. The four Conventions together make up the basic protection system provided by international law to the victims of wars and armed conflicts through the obligations imposed on conflicting parties to regulate their conduct and to protect civilians and other victims from the atrocities of the war.

International humanitarian law, and especially the Fourth Geneva Convention Relative to the Protection of Civilian Persons Time of War, is of utmost importance in regard to the Palestinian Territories occupied by Israel in 1967. This importance arises in light of the recognition of the international community

of the *de jure* applicability of the Convention to the Occupied Territories. Israel continues, as usual, to reject the international consensus that its occupation of the Gaza Strip and the West Bank, including Jerusalem is a belligerent occupation and that the provisions of the Fourth Geneva Convention are therefore applicable.

This means that any measures taken by the Israeli occupying power aimed at changing the legal and demographic status of the territories are illegal and void. This criminalizes Israeli settlements, the illegal annexation of Jerusalem or any other parts of the Occupied Territories, and other measures and practices. The Convention is a source of protection for the rights and properties of Palestinian civilians who are under Israeli occupation, and as such, it must be applied.

The Israeli refusal to apply the Convention's *de jure* application to the Occupied Territories and its ongoing systematic and continuous violation of the provisions of the Convention are of permanent concern to the international community. This has clearly been shown since 1967 through the various organs of the United Nations.

In 1997 the Israeli government escalated its establishment of settlements in Occupied Jerusalem. It confiscated the Jabal Abu Ghuniem (Har Homa) and established a new settlement. Consequently, the UN General Assembly has adopted, since that time, five resolutions in which it declares the Israeli practices to be illegal. At the same time asking the High Contracting Parties to the Fourth Geneva Convention to take the initiative to fulfil their legal obligations under article 1 to respect and to ensure the respect of the Convention in all circumstances. To do so the UN General Assembly has invited the Parties to convene a conference to investigate measures to apply the

Convention to the occupied territories and authorized the Swiss government, as the depositary of the Convention, to take the preparatory measures to convene the Conference. In its last resolution of 8 February 1999 the UNGA set 15 July 1999 to be the date of the convening of the Conference.

Everybody was optimistic that finally the international community had decided to resuscitate international humanitarian law, to apply the provisions of the Fourth Geneva Convention to the Occupied Territories, and not to tolerate the crimes that are committed by Israel. This optimism was, however, very soon found to have no basis, as the High Contracting Parties displayed a grave politicization of international humanitarian law, paying no attention to their legal and moral obligations towards victims of wars and armed conflicts. The Conference was convened, on the assigned date. But while humankind was waiting for practical measures to protect the victims of the Israeli violations and to alleviate the causes of their suffering, what we got was a farce lasting only minutes, the crowning glory of which was a statement of almost ten lines.

Before the convening of the conference, many countries, especially the USA, had done their utmost to obstruct the Conference, by exerting pressure resulting in a

number of countries deciding not to attend. Even before this, the very process of preparation for the convening of the Conference was highly politicized.

The convening of the Conference of the High Contracting Parties to investigate measures to apply the Convention to the Occupied Territories is a significant development since it is unprecedented in the history of the Convention to have such a Conference to investigate a specific case. Therefore the convening of the Conference in this politicized manner is dangerous precedent that will undermine the credibility of the international community in similar cases. The politicization of international law in this way should be viewed as undermining international humanitarian law, and is no doubt a comfort to violators of human rights around the world.

The main question that arises as we commemorate the 50th Anniversary of the Geneva Conventions is whether the international community, through the intensive and good work of standard setting and codification of international rules, has succeeded to alleviate the suffering of the victims of war and armed conflict, and to provide them with the proper protection. The answer is no. The history of the application of the Convention, especially in the Palestinian case, has shown a dangerous politicization of the rules, which themselves, 50 years after their codification, no longer provide the needed protection. This process has also shown unprecedented paralysis on the part of the international community to apply its own resolutions, as a result of direct American, European, and Israeli pressure.

To preserve international law, and consequently provide a protection for war victims, it is necessary not to mix politics with law, and not to sacrifice morals for narrow utilitarian interests. This experience has shown that the Geneva Conventions are in need of creating a more effective and responsive mechanism for the protection of the victims of wars. The Conventions will be of no real legal and political meaning unless a mechanism is created to translate their provisions on the ground. The history of international instruments shows that the first step is standard setting, but that the absolutely vital next step is the development of effective enforcement mechanisms. In this regard we are asking the whole international community to adopt a fifth convention dedicated to the application of the four Conventions as a way to ensure that the essence of the Geneva Conventions is being achieved.

Although the conference of the High Contracting Parties, on 15 July 1999 resulted in dangerous consequences and a step backward for international law, with States evading the fulfillment of their legal and moral obligations under the Convention, we still demand more of international law. In particular, the application of the Fourth Geneva Convention, an end to the Israeli violations, and protection for Palestinian civilians. Not doing this will definitely contribute to the undermining of international peace and security. The *de jure* application of the Fourth Geneva Convention in the Occupied Territories provides the conditions for achieving a just peace in the region.

(2) 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 of 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 1999 the Centre continued its effort in this direction. It focused on the following:

UN Commission on Human Rights

On 31 March 1999, 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 55 of the Commission, which started its work on 22 March and continued until 30 April 1999, held in the United Nations Headquarters in Geneva. The eighth item of its agenda was related to Israeli violations of Palestinian human rights in the Occupied Arab Territories. Issam Younis participated in the meeting as representatives of the Centre. Moreover, PCHR 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, number E/CN.4/1997/NGO/18 and was distributed widely.

The oral statement of the Centre focused on the most prominent Israeli violations of Palestinian human rights. The Centre mentioned the continuing judization of Jerusalem and attempts to change the demography in the area, creating facts on the ground. The report also pointed out the continuing closure of the Palestinian territories and the disastrous results of such policies on all aspects of life.

It also mentioned the Israeli occupation forces arrest of more than 2,500 Palestinians in the Israeli jails, held in miserable conditions and subject to torture. In addition, the Centre mentioned that Israel is the only state in the world that has legalized torture. The Centre also reminded the member countries of the United Nations that all United Nations commissions and the monitoring mechanisms concerning human rights have asserted Israel's responsibility for the violation of the standards of human rights and the Fourth Geneva Convention of 1949. At the end of its presentation, the Centre asked the Commission to condemn Israel's practices and measures, and called for the holding of a conference of the High Contracting Parties to the Fourth Geneva Convention to discuss measures for the enforcement of the Convention in the Occupied Palestinian Territory. It is worth

mentioning that Mr. Derek Fatisht, the British Minister for Foreign Affairs, and Ms Anna Lynda, the Swedish Minister for Foreign Affairs, delivered speeches on the human rights situation in different areas in the world, including the Occupied Palestinian Territory.

The UN Special Rapporteur on the Occupied Palestinian Territories

In its session number 49, held on 19 February 1993, the United Nations Commission on Human Rights adopted decision number 2/1993, through which it approved the appointment of a Special Commissioner according to the following mandate:

- 1) To investigate Israel's violations according to the standards of international law and international humanitarian law including the Fourth Geneva Convention Concerning the Protection of Civilians Persons During War of 1949, in the Palestinian Territory occupied by Israeli in 1967.
- 2) To receive correspondence and to hear witnesses where necessary according to its mandate.
- 3) To prepare a report for the United Nations Commission on Human Rights in its future sessions until the end of the Israeli occupation of the territory.

The Palestinian Centre for Human Rights pays close attention to the work of the United Nations Special Coordinator, and provides him with comprehensive information regarding Israeli violations of human rights in the Occupied Palestinian Territory. At the beginning of January 1999, the Centre received the Special Coordinator Hanna Hailing, who was visiting the Occupied Palestinian Territory to investigate the human rights situation in preparation for his report to the United Nations Commission on Human Rights for its 55th Session in March 1999. The Centre made a serious commentary on the report provided by him in the previous year's session of the Commission, and expressed its reservations regarding parts of it. Moreover, the Centre expressed to him its deep concern at the attempts to expand his work to include the Palestinian Authority as well as Israel. The Centre expressed its rejection of these attempts.

It is worth mentioning that the PCHR delegation which participated in the United Nations Commission of Human Rights 54th Session in Geneva in 1998 met the Special Coordinator informally, and expressed its absolute rejection of any attempt to expand his work in this manner. Nevertheless, the Special Coordinator continues to insist with his request to expand.

On March 7, 1999: The Centre issued a press release expressing its deep concern about the report of the UN Special Rapporteur on the Occupied Palestinian Territories. The press release explained that on 20 January 1999, the United Nations Special Rapporteur on the Occupied Palestinian Territories (OPTs)

submitted his annual report about the human rights situation in the OPTs to the United Nations Commission on Human Rights, which will convene its annual meeting at the end of this month in Geneva. The Palestinian Centre for Human Rights (PCHR), which received a copy of the report, expresses its severe outrage about the Rapporteur's mixing of politics and human rights. Furthermore, he selectively manipulates the facts about the Israeli violations of human rights for the sake of goals that do not serve the respect of human rights in the Palestinian Occupied Territories.

In early January of this year, the Special Rapporteur visited PCHR, which criticized his report of last year to the United Nations Commission on Human Rights as well as its reservations regarding the core of the report. PCHR expressed its deep concern to him personally about his attempts to widen his mandate to include the Palestinian Authority. PCHR completely opposes such attempts.

Moreover, the delegation from PCHR that participated in the meetings of the UN Commission on Human Rights in Geneva last year, met with the Special Rapporteur and once again expressed its refusal to accept his attempts to expand his mandate.

In spite of this, the Special Rapporteur still insists that his mandate should be expanded. PCHR believes that it is imperative to clarify a number of facts regarding the Special Rapporteur's report as well as to refute his claims.

1. In its forty-ninth session, the Commission on Human Rights adopted Resolution 1993/2a of 19th February 1993, in which it decided to appoint a Special Rapporteur with the following mandate:

“(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian Territories occupied by Israel since 1967;

(b) To receive communications, to hear witnesses, and to use such procedures as he may deem necessary for his mandate:

(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories.”

In spite of this clear definition of the Rapporteur's mandate, the current Rapporteur oversteps its limits, which is to investigate the Israeli violations to include violations by the PA. This is a very dangerous matter, simply because the appointment of a Special Rapporteur to the OPTs is an international decision, as a result of the Israeli occupation force's perpetration of crimes and its violations of the rules of international law in the OPTs. Therefore, his mandate was restricted to solely investigating this area.

The Rapporteur's overstepping of this mandate to include the PA's violation of human rights parallel to the Israeli violations is a serious issue that should not be tolerated. Although we agree that the PA perpetrates many human rights violations, the Israeli occupation was and still is the main violator of Palestinian human rights. There are a number of violations that might be perpetrated by the PA and take place as a result of Israeli and American pressure. Therefore, Israel as an occupation cannot be compared with the other parties involved.

Since the Special Rapporteur's appointment, he has on a yearly basis in his reports asked for the expansion of his mandate to include the PA. This request has been refused year after year by the UN Commission on Human Rights. The essence of the resolution of the UN Commission on Human Rights, the purpose and the period of the mandate authorized to him has been defined until the end of the occupation. This ensures that the Rapporteur's role should only be to investigate the Israeli violations of human rights and his endeavor to divert the attention to other issues is unacceptable, even if these issues are violations by the Palestinian Authority.

It is very clear that the Special Rapporteur did not wait for the approval of the Commission before changing his mandate. Rather, he did so by himself when he investigated the human rights situation in the PA (for example, paragraphs 32, 38, 50 and 51).

The Special Rapporteur took a step that can only be interpreted as a desperate attempt to justify his demand and implies his acceptance of the Israeli argument by including an entire letter sent to him by Israel's representative to the UN in Geneva. This letter, which takes up two and a half pages of the seventeen page long report, merely criticizes the mandate and does not include any information relevant to the report. This came in spite of the fact that Israel did not respect him or his role by refusing to meet him or allow him to visit Israel in his formal capacity.

2. The report of the Special Rapporteur contained weak criticisms on many occasions, which does not reflect in any way the escalation of human rights violations in 1998. For example, the Rapporteur found space in his report to mention the death of a pregnant Palestinian woman at an Israeli checkpoint. While in the same paragraph he added that he was informed that the Israeli military had admitted that this was against its policy and that the soldiers concerned had reportedly been brought before the military court (Paragraph 46). The formulation of this paragraph implies that he accepts the argument that the Israeli army is not responsible and that violations that take place are usually individual abuses for which the perpetrators are brought to justice.

Another example is paragraph 45, in which the Special Rapporteur mentioned that five Palestinians had been killed, one of them by a rubber bullet. Once again, he shows the matter as an individual violation of the regulations of the Israeli army,

in a way that gives the Israeli army no responsibility. The report does not show the outstanding facts regarding the excessive use of force by the Israeli occupation forces against Palestinian civilians in circumstances where the lives of soldiers were not in danger. Instead of his reference to the decrease in the number of civilian Palestinian deaths in comparison with the *intifada*, he should point out the increase in the number of killings from the previous year (23 persons were killed during 1998, among whom was a nurse in uniform, in comparison with 3 killings in 1997).

The Special Rapporteur, who is seeking so-called balance and not to politicize human rights, is himself politicizing human rights in a very clear way by asking to change his mandate, in an attempt to enjoy the satisfaction of the Israeli government. The Special Rapporteur is himself mixing politics with human rights, when he turns a blind eye in his report to clear facts regarding the Israeli violations of human rights.

Instead of pointing out that progress has been made in the human rights record of the Israeli occupation forces, namely the discontinuation of the most flagrant torture methods, he should point out that under international law, torture is a war crime whether it is flagrant or not. Therefore, he should ask the international community to bring the Israeli war criminals to trial. Torture cannot be subject to qualitative and quantitative calculations, since however and whenever it took place it is a crime and its practice, especially in a state that officially legalizes it, ought to be condemned firmly in the strongest terms.

The Special Rapporteur did not point out the very serious fact that the Israeli High Court provides a legal cover for torture (paragraph 37) when he stated that the court had not made any decision regarding the illegality of its interrogation methods. It is the same court that sanctioned the use of torture against tens of detainees by rejecting the appeals that they submitted to stop their torture by the Israeli interrogators.

3. The Special Rapporteur interpreted his mandate in an intentionally false way. In paragraph 3 of his report, he defines his mandate as not being accusatory, but as establishing a meaningful and constructive dialogue with all the parties concerned in order to prevent violations. As we stated earlier, his mandate was solely to investigate the Israeli violations of human rights, which means that he should do his best to obtain the facts whatever they may be and to present them without any interpretation. Nobody is claiming that the Rapporteur is an accusatory body. However, this does not mean that he can present facts without full investigation and he should hold Israel responsible for its violations of human rights without hesitation.

4. Once again, in his attempt to be sensitive to the feelings of the Israeli government, his report does not include proven facts, even about the settlements. All the facts included in the report were formulated in ways such as “I was informed.../ I was told...”etc. This implies to anyone reading the report that any

information mentioned may not be first hand information. His role is to investigate human rights violations, regardless of whether his findings will upset the Israelis. This includes the core of the facts regarding the Israeli violations of human rights in the OPTs. For example, in paragraph 26, he says, “The Special Rapporteur was informed that the issue of residency rights and identity cards has had serious repercussions on the health of Arab Jerusalemites, particularly infants.” In paragraph 37, he says, “The Special Rapporteur was informed about the process of legitimizing torture in Israel through legislation.” Paragraph 43 reads, “He was informed that the economic and social situation also affected the health of children.”

The report of the Special Rapporteur can only be defined as negative. In the light of its contents, which undermine the aforementioned resolution of the UN Commission on Human Rights as well as politicizing human rights for personal motivation, PCHR would like to make the following recommendation:

The UN Commission on Human Rights should replace the Special Rapporteur immediately in its next meeting because he intentionally violated its Resolution and the authorized mandate. Moreover, the Commission should be seriously concerned about his attempts to politicize his work.

The Special Rapporteur’s report does not reflect the seriousness of the Israeli violations of human rights in the OPTs. Rather, the report raises doubts about the Israeli violations and does not reflect the real facts on the ground, despite the deterioration of the human rights violations, such as the expansion of settlements, the legalization of torture against Palestinian detainees, house demolitions and the collective punishment of civilians. PCHR calls upon the Commission to disregard this report as a UN document and to postpone discussion of Israeli violations until a new Rapporteur has prepared a new report.

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

On 28 May 1999, a delegation from PCHR delivered its testimony before the UN Committee to Investigate Israeli Practices Against Palestinian and Arab Rights in the Occupied Territories. The Committee started its mission in Cairo on 27 May 1999. Israel refuses to receive the Committee formally and does not allow its members to carry out their missions in the Occupied Territories. PCHR's delegation included Hamdi Shaqqura, coordinator of the Democratic Development, and Iyad Alami, coordinator of the Legal Unit.

In his testimony Shaqqura explained the Israeli closure policy and its impact on the lives of Palestinian people. He also described other Israeli violations of human rights in the Gaza Strip, including settlement expansion, land confiscation, and Israeli Navy practices against Palestinian fisherman in the Gaza Strip.

Concerning the closures Shaqqura described the continuing policy of closure and the imposition of restrictions on the movement of individuals and trade. He rejected the Israeli claims that this policy had been cancelled. In this regard he concluded that the effect of the closure policy cannot be evaluated simply based on the number of days of total closure over the Occupied Territories. Moreover, he outlined the impact of this policy on the rights of citizens to enjoy their social and economic rights, including the rights to education and health. In this regard he expressed the Centre's belief that this policy is a collective punishment against the Palestinian people.

Shaqqura also outlined Israeli settlement activities and settler attempts to expand established settlements, and to build new housing units within the settlements, as well as their attempts to control more Palestinian land, particularly the land located alongside the settlements. Moreover, he described the suffering of Palestinian fishermen in the Gaza Strip resulting from the continuing attacks of the Israeli Navy. In this regard he mentioned that Palestinian fishermen are prevented from enjoying their right to fish, even in the area that was agreed would be open to them under the Interim Agreements. Since 1996 Israeli occupation forces have reduced the area allowed for fishing from 20 nautical miles from the coast to 12 miles. From time to time, the Israeli Navy fires at Palestinian boats and arrests fishermen. Total closure is also sometimes imposed over the coast, and all Palestinian boats are forced to leave the sea.

Iyad Alami described the conditions of more than 2500 Palestinian and Arab detainees held in Israeli prisons at the time. He strongly condemned the continuing detention of these people, despite the ongoing peace process. In this regard he added that the process of building mutual confidence and trust (asserted in the Agreements) required the release of these detainees. He reminded the Committee that the Arab and Palestinian detainees are subjected to different forms of torture by the Israeli General Security Service. The torture includes shaking, playing loud music, sleep deprivation, *shabeh*, as well as other physical and psychological methods of torture. These practices have led to the deaths of many detainees.

He also reminded the Committee that Israel is the only state to have legalised torture. Furthermore he noted that the Head of the GSS told the Israeli newspaper Yerushalim, that there is no GSS interrogator who does not practice torture, in a grave challenge to international law, and in violation of Israeli commitments under the International Convention against Torture.

Alami also mentioned the health problems suffered by detainees as a result of medical negligence by the Israeli authorities, leading to death in many cases. The latest case was Shadi Abu Dahruj, who died on 17 May 1999 in his cell, after his health deteriorated and he did not any medical treatment. Another case was Ahmad Asfour, who the Israeli authority claimed had committed suicide, and

Yousef El Ari'er, who died on 21 June 1998 a few hours after he was transferred from Ramle prison to Tel Hashomer hospital to carry out surgery.

Alami warned the Committee of the deterioration of detainees' health, and of the continual Israeli denial of the right of these detainees to receive the necessary medical treatment. He called on the Committee to immediately intervene to save the lives of the detainee Yasser El Moudin who was suffering from kidney disease and the detainee Imad El Dein Zorub who was suspected to have cancer. The Committee members expressed their concern about these cases and promised that they would contact all concerned parties to force Israel to provide these detainees with the necessary medical treatment.

Alami also introduced the disastrous impact of the continuing prevention of Gazan lawyers from visiting their clients in Israeli detention centres and jails, and the refusal to allow them to represent detainees before the Israeli courts. Moreover, he described to the Committee the restrictions imposed on the rights of detainees to receive regular family visits. In this regard he pointed out that, at the time, there were more than 60 detainees from neighbouring Arab countries who were completely prevented from receiving regular visits from their families. Those detainees were instead visited by Palestinian families. Moreover, he mentioned that since 5 January 1999, visits by the Palestinian families which had adopted the responsibility of visiting the Arab detainees were prevented, and Israel asked that the families be changed. He also mentioned that children were prevented from visiting their fathers in the jails.

Finally Alami raised the issue of the Martyrs Cemetery in Israel. Israel continues to hold more than 24 bodies of martyrs from the West Bank and the Gaza Strip in a military cemetery inside Israel. Israel uses this cemetery as a means for bargaining in a grave violation of humanitarian and religious values, which assert the necessity of burying the dead with dignity.

At the end of their testimony PCHR's delegation submitted a group of documents to the Committee including the Israel High Court decision allowing torture, and Press Releases including documentation of Israeli violations of human rights.

The UN High Commissioner for Human Rights

On 8 April 1999, Raji Sourani, Director of PCHR, met with Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights. The meeting took place in the UNHCHR office in United Nations Headquarters in Geneva. The meeting was attended by Ms. Francesca Moretta, the UNHCHR officer responsible for the Occupied Palestinian Territories. At the beginning of the meeting Raji Sourani presented the High Commissioner with the position paper on the implementation of the Fourth Geneva Convention in the Occupied Palestinian Territories according to the relevant UNGA resolutions. He pointed out that PCHR had organised, in cooperation with a number of international, regional and Palestinian human rights organisations, a meeting on 6 and 7 April

1999, to discuss this matter. He added that he was delegated by the participants of that meeting to submit the position paper to Mrs. Robinson.

He also highlighted the human rights conditions in the OPTs, and the expectation of the end of the interim period on 4 May 1999. Moreover, he asserted that the legal period of the interim agreements on 4 May 1999 left no practical or legal justification to continue following the agreements, particularly given that Israel has not fulfilled its legal obligations and in light of the fact that the right of self-determination is a right to be practised unilaterally, and not contractually.

He also criticised the report and the stance of the United Nations Special Rapporteur, Mr Hanu Halinen. He set out these criticisms in detail.⁹⁸

On the other hand, Sourani expressed his deep appreciation for the role of the UNHCHR office in the Occupied Territories, under the head of Dr. Amin Makki Medany. The effectiveness of the office's role can be clearly seen at the formal level through the training carried out by the office for law enforcement bodies. Sourani asserted that such training is a strategic investment for the Palestinian people and for the relation between the UNHCHR office and Palestinian civil society, particularly human right organisations.

Moreover, Sourani expressed appreciation for the stance of the High Commissioner at the conference held in November 1998. The High Commissioner's stance reflected a deep commitment to the Fourth Geneva Convention. He told her that the human rights community absolutely supports her for her courage in confronting the Swiss stance, a stance which misinterpreted the UNGA resolutions. He added that her stance in this case reaffirmed his confidence in her commitment to international law standards, and her refusal to allow those standards to be sacrificed for political reasons or subsumed by political expediency. He also pointed out that the importance of this stance was highlighted by the fact that the 50th anniversary of the Fourth Geneva Convention would be in 12 August 1999. Sourani also urged the High Commissioner to visit the OPTs to see for herself the human rights conditions.

In response, Mrs. Robinson expressed her deep concern at the continuing violation of Palestinian human rights, and affirmed the *de jure* applicability of the Fourth Geneva Convention in the OPTs. She also said that she was seriously planning to visit the region in the near future.

⁹⁸ Regarding this subject see above.

(3) Participation in International and Regional Conferences and Meetings

22 - 28 January 1999

The Centre participated in the meeting called by the World Institute for Refugee Children to discuss the relation between Can'aan Institute and the Palestinian Group for Modern Development Education, and the World Institute for Refugee Children. The meeting was held in France and Raji Sourani represented the Centre, as a member of the administrative board of the Palestinian Group for Modern Development Education.⁹⁹

28 February - 2 March 1999

By invitation from North-South Institute and the Palermo University in Italy, Raji Sourani conducted two lectures on "Human Rights and Peace", in cooperation with Dalia Frinshstien from the Israeli Hamoked Institute.

13 - 16 April 1999

By invitation from the Med-Euro Network for Human Rights the Centre participated in the second annual meeting of the network held in Stuttgart, Germany, with the attendance of 55 international and Arab organisations. The Centre was represented at this meeting by Raji Sourani, who presented an intervention on "Human Rights Conditions in the Occupied Palestinian Territories". The intervention focused on four issues: the Palestinian human rights conditions and Israel's violations of Palestinian human rights; the human rights situation in the PNA controlled areas; the right to self determination; and the Fourth Geneva Convention in the Occupied Territories. At its end, the meeting adopted the position paper which had been issued by the Geneva Conference, and which was devoted to the High Contracting Parties of the Convention. Moreover, the meeting concluded a decision to call upon the European Commission to ask European countries to freeze the European-Israeli Partnership Agreement. A working group was also formed on the Palestinian issue, to deal with developments in the conditions concerning human rights in the Occupied Palestinian Territories.

23 – 25 April 1999

⁹⁹ It is worth mentioning that the Group was established in the Gaza Strip in 1997 through the initiative of four charitable institutions and the Minister of Youth and Sport, and the World Institute for Refugee Children as the representative of the French Platform of Education NGOs for Palestine. The NGOs, which established the group, are PCHR, the Culture and Free Thought Associations, Khan Younis; the YMCA, Gaza; and the Women's Affairs Centre, Gaza.

Between 23 – 25 April 1999 the Centre participated in the First International Conference for the Arabic Movement for Human Rights in Casablanca in Morocco, though the invitation from the Cairo Centre for Studies and Human Rights under the hospitality of the Moroccan Organisation for Human Rights. Raji Sourani, the Director of PCHR, and Issam Younis, Coordinator of the Economic, Social and Cultural Rights Unit at PCHR, and Hamdi Shaqqura, Coordinator of the Democratic Development Unit, participated on behalf of the Centre. Raji Sourani delivered a working paper under the title of “Peace and Human Rights”. Issam Younis delivered a working paper entitled “The Right to Development and Economic Rights”. The three colleagues also actively participated in the activities of the Conference including the chairing three sessions of the conference. At the end of the Conference the participants issued the “Casablanca Declaration for the Arabic Human Rights Movement”.

12-15 May 1999

From 12-15 May 1999 the Centre participated in the “The Hague Conference for Peace” held in The Hague in Holland. More than 8000 participants, representing more than 1000 national and international governmental and non-governmental human rights organisations, along with many individuals, took part in the Conference.

Issam Younis represented the Centre at this international gathering. He delivered a speech about the Fourth Geneva Convention and the impact of its implementation in the Palestinian Occupied Territories. The Centre considered it of great importance to discuss this issue within the context of its international campaign, which was commenced by the Centre with the aim of securing the *de jure* applicability of the Convention in the Occupied Territories. The Centre’s participation in the Conference aimed to secure the backing and support of the Conference for the Centre’s campaign and for the paper outlining the Centre’s stance.¹⁰⁰

It is worth mentioning that The Hague conference generated significant international interest as Kofi Annan, the Secretary of the United Nations General Assembly opened it, with the attendance of many international figures. The programme of the Conference included a discussion of the International Criminal Court, a discussion of human rights law and international humanitarian law, and a discussion of protection of human rights in emergency situations.

5 June 1999

¹⁰⁰ PCHR highly appreciates the acceptance by the Cairo Centre for Human Rights Studies, which organised the Conference, of PCHR’s suggestion to dedicate one of the Conference’s sessions to a discussion of the developments concerning the holding of the conference of the High Contracting Parties to the Fourth Geneva Convention.

By invitation from the Afro-Asian Solidarity Organisation, Raji Sourani participated in a meeting of the International Coordination Committee to Follow UNGA Resolutions Concerning Palestine. The meeting was held in Cairo on 5 June 1999.

7 - 9 June 1999

The Centre participated in the activities of the conference of "Development and Human Rights" held in Cairo, by invitation from the UNDP and the Arabic Organisation for Human Rights. Raji Sourani represented the Centre.

14-15 June 1999

From 14-15 June 1999 the Centre participated in the international meeting organised by the United Nations about the pending Conference Concerning Measures to Implement the Fourth Geneva Convention in the Palestinian Occupied Territories including Jerusalem. The meeting was held in Cairo through the initiative of the United Nations Committee on the Rights of the Palestinian People. Raji Sourani represented the Centre at that Conference.

14-16 June 1999

From 14-16 June 1999, the Centre participated in the first Arab Conference for Justice, entitled "The Judiciary in the Arab World: Challenges for the 21st Century". The Conference was held in Beirut and more than 100 participants including Arab lawyers and judges took part. Iyad Alami, Coordinator of PCHR's Legal Unit, represented the Centre.

21 - 24 July 1999

The Centre participated in the discussion session on "Strategies for Facing Ongoing Measures against Arabic Human Rights Movement". The session was held in Athens, Greece, by the initiative of the Arabic Working Group for Human Rights. Raji Sourani represented the Centre.¹⁰¹

17 - 28 October 1999

By invitation from the Solidarity Committee with the Arabic Question, Raji Sourani visited Spain. On this trip, he visited Vittoria, Pampalo, Malaga, Valencia, Qartaba, Saragosa, Madrid, and Al Qala cities. He met a number of Spanish human rights organisations including Lawyers without Borders, Judges for Democracy, and Human Rights Committees in the Parliaments of the above-mentioned cities and representatives of the Spanish political parties in these Parliaments. He also met with the Committee on Foreign Affairs of the Spanish

¹⁰¹ He is one of the members of the Arabic Working Group for Human Rights, which is formed of activists and leaders of the Arabic human rights movement, based in Cairo.

National Parliament. He also presented lectures in a number of universities in Madrid, Valencia, Saragosa and El Qala. The lectures focused on human rights conditions in the Occupied Palestinian Territories.

29 - 31 October 1999

The Centre participated in the workshop of the Lisbon Platform, organised by the North-South Centre of the European Council. The workshop was held in Lisbon, Portugal, to discuss "The Democratic Process and Protecting Human Rights in the Mediterranean Area". Hamdi Shaqqura represented the Centre and presented a working paper on the problems in the democratic transformation in Palestine.

11 - 14 November 1999

The Centre participated in the activities of the conference "The Political Prisoners in Israel and Palestine", held in Copenhagen, Denmark, by the invitation of the Danish Friendship Committee. The Centre was represented by Raji Sourani, who delivered a speech on "The Reality of Human Rights Conditions and its Future on the Israeli Agenda". Sourani informally met with the Director General of the Danish Ministry of Foreign Affairs, and the Director of the Middle East Department, in cooperation with the representative of the Friendship Society and the representative of the Dan Church Aid, and the director of B'tselem, Ethan Filner. Also, another meeting was held between Raji Sourani and the representatives of the parties in the Danish parliament. He also delivered a lecture to the Carsten Niebahr Institute, through which he discussed the legal conditions in the Occupied Palestinian Territory after Oslo.

15 - 18 November 1999

Raji Sourani participated in the session¹⁰² organised by the FIDH and held in Paris, France, "Training Session on Enhancing National NGOs to Defend Human Rights in South and Eastern Mediterranean Countries". The session aimed to:

- 1) Appraise the Joint Sessions held in Casablanca, Cairo, Gaza and Beirut;
- 2) Prepare for the Fourth Barcelona Conference scheduled for Marseille by the end of the year 2000.

30 November - 1 December 1999

The Centre participated in the activities of the Novib Conference for the Middle East and Morocco, attended by 23 civil society institutions from different Arab

¹⁰² This session came within the context of the Euro-Med Partnership resulting from the Barcelona Agreements of 1995. This is the 5th Session in a series of 5 organised by the International Federation for Human Rights in cooperation with its local partners in the countries in the South and Eastern Mediterranean.

countries. The Conference, held in Beirut, focused on developing Novib's strategies for the coming five years. Raji Sourani represented the Centre.

(4) Cooperation and Coordination with Other Regional and International Organizations

During 1999 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 sees its relationship with these organizations as a means to participate in enhancing and supporting the human rights movement in Palestine and to enhance the international efforts of the Centre to influence the stand of governments and international public opinion. The Centre also works with international organisations to influence the concerned international bodies.

International Commissions 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 its member organizations 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 enter into dialogue with international commissions.

The Centre receives a delegation of the International Jurists Commission-Sweden

On 9 February 1999, the Centre received the delegation of the International Jurists Commission-Sweden headed by Per Stadig. The delegation met with the Centre's staff through which it was introduced to the human rights conditions in Gaza Strip and Al Shati Camp. It is worth mentioning that the Centre has a deep and historical relationship with the international Commissions of Jurists-Sweden.

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 partook in dialogue with many of these bodies as mentioned above.

PCHR's Director Meets the Head and the General Director of the International Federation for Human Rights

On 26 February 1999, Raji Sourani, PCHR's director, meet with Mr. Patrick Boudain, head of the International Federation for Human Rights- Paris, and Mr. Antoine Bernard, the general director of the federation. The meeting, which took place in Paris, focused on different issues. Amongst these were the developments concerning the Fourth Geneva Convention, and how to oblige Israel to fully apply the Convention in the Palestinian Occupied Territories, and the stance of the Swiss government regarding the implementing of the concerned United Nations General Assembly Resolution. Sourani mentioned Centre's campaign to secure the implementation of the concerned UN General Assembly resolution. FIDH agreed to be a partner in the above-mentioned campaign, and to participate in the preparation of a conference to be held by invitation from the Centre and a group of international and Palestinian organisations.

Moreover, it was agreed to hold a joint session in Gaza on 4 May 1999, the date of the interim period's end, as a sign of the Federation's assertion of the right of Palestinians to self determination and an independent state.

Also, the meeting highlighted the Palestinian human rights conditions, with the focus on the Israeli policy of ethnic cleansing against Palestinians in Jerusalem, the Palestinian prisoners in the Israeli prisons, settlements, the Israeli policy of closure, the right of freedom of expression under the PNA, and the Palestinian prisoners in PNA's prisons.

Seminars in Gaza on Human Rights and International Humanitarian Law.

The most prominent outcome of the cooperation between the Centre and the FIDH in 1999 was the holding of seminars in Gaza between 1-4 May 1999. The timing of the seminars was chosen to coincide with the end of the interim period, in order to reaffirm FIDH's support for the Palestinian right to self-determination and independence. The seminars highlighted different issues concerning human rights and international humanitarian law. Moreover, the seminar highlighted the conference of the high contracting parties to the Fourth Geneva Convention. The participants also discussed the European role in protecting the Palestinian human rights and securing Israeli fulfilment of its legal commitments under the Fourth Geneva Convention. In addition, the seminars discussed comparative cases on the role of the authority in enhancing the independence of judiciary and rule of law in the interim period.

The seminars were held within the context of the Mediterranean-European Partnership in South and East Mediterranean. Invitations were sent to more than

two hundred experts, lawyers, Palestinian judges, and human rights organisations' representatives. Moreover, international experts, and representatives of FIDH member organisations participated.

The Centre and FIDH issued the following document, which summarizes the most important issues that were discussed in the seminars and the points that the two sides had agreed upon:

"By initiative from the Palestinian Centre for Human Rights and the International Federation for Human Rights, seminars on human rights and International humanitarian law were held in Gaza on the period between 1-4 May 1999. The seminars were held at the time of the interim period's end according to the Israeli-Palestinian Declaration of Principles signed on 13 September 1993, and the subsequent interim agreements that led to the establishment of the PNA in the Gaza Strip and areas of the West Bank on May 1994. Lawyers, judges, Palestinian human rights activists, and experts and representatives of human rights organisation of the international federation for human rights participated in the seminars. The seminars were held within the context of the Mediterranean-European partnership to strengthen the civil society in southern and eastern Mediterranean. For four days the participants discussed a group of issues on human rights and international humanitarian law, and concluded the following points:

First: The Universality of Human Rights

1. The International Bill of Human Rights is the basic reference for human rights. It embodies concrete universal human values, and encompasses all cultures and religions, including Islam.
2. The universality of human rights does not deny the right of diversity and cultural relativism. The diversity between cultures and civilization has to enhance and support the principles of human rights. Diversity means the acceptance that there are basic rights for individuals and people, whatever their color, ethnic, sex, religion, political opinion, or other background.
3. It must strongly oppose some governments and political elite that use cultural particularities to justify their violations of human rights. Those governments and political elite are doing so for their own interest, not the interest of their people.
4. Given that there are very small areas of contradiction between Islam and the human rights values, it is important to work with open minds, scientifically and objectively, to ensure that cultural particularities are a means for creativity, not for isolation from others.

Second: The indivisibility of Human Rights

1. Human Rights are not subject to divisibility. They are for all without discrimination, and can not be implemented selectively.
2. The cultural, economic, and social human rights are as important as the political and civil human rights.
3. Women's rights are human rights that have to be protected, enhanced, and respected. All aspects of exploitation and discrimination against women must be removed from local legislation.
4. Human rights can not be postponed whatever the circumstances or the justifications. Even in emergency situations in which exceptional measures are adopted which might negatively influence the people's enjoyment of these rights, these measures must be temporary, within a very narrow limit, and must be removed immediately once the causes are ended.

Third: The Fourth Geneva Convention for the Protection of Civilians in Time of War and the Occupied Palestinian Territories

1. The High Contracting Parties are not only legally obliged to respect the Convention, but also to secure its respect by others. Accordingly, they are obliged to secure Israeli respect for the Convention, and to bring those who carried out violations before the court.
2. The conference of the High Contracting Parties intended to be held on 15 July 1999 to investigate measures of enforcing respect of the Convention in the Occupied Palestinian Territories by Israel is not the goal in itself, but it is a mechanism through which collective measures can be taken in order to force Israel to fulfil its commitments under the Convention. Despite the fact that the conference is of great importance, the conference does not release the High Contracting Parties from implementing separately their obligations in the Convention whether the conference is held or not.
3. The Palestinian officials have to be well prepared for the conference. In this regard, they should consult with lawyers, and experts from human rights organisations who have spent great efforts in order to secure the conference's achievement of its intended goals.

Fourth: The European Role in Protecting Palestinian Civilians

1. There is currently an imbalance between the political and economic role of Europe in the Middle East. Despite being the major donor for Palestinians, and the first economic partner for Israel, Europe's political role in the Middle East is still weak in comparison with its economic one. The participants in the seminars conceived the Mediterranean-European Partnership as an opportunity to activate the political role of Europe in the region and the ongoing peace process. Europe has to use this opportunity

in order to have strong political role in the region in a way that secure the continuity of the peace process, because the death of the peace process means the death also of the partnership.

2. The participants highly appreciated the positive European role toward the Palestinian question and the Palestinian right in self-determination. Moreover, the participants support the European Commissions' recommendation concerning banning the import of Israeli products which produced inside the settlements. The participants believe that this stance is in accordance with the international law and international humanitarian law, under which all settlements are illegal.
3. The participants call on Europe to activate the second paragraph of the Israeli-European partnership agreement, which asserts the Israeli commitment to respect human rights. The participants see this paragraph as a means through which Europe can pressure the Israeli government to stop its violations of Palestinian human rights, and of international law.
4. The participants call on the European countries as High Contracting Parties to the Fourth Geneva Convention, to do their best to secure the convening of the High Contracting Parties' conference at its agreed date without any delay. Also, they call on the European countries to use the conference as a means through which effective measures are to be agreed upon in order to secure the implementation of the Forth Geneva Convention in the occupied Palestinian territories.

Fifth: The Role of Human Rights Organizations in the Interim Period

1. The interim period is an unprecedented opportunity for human rights organization to creatively work at securing the respect, promotion, and enhancement of human rights, in addition to enhancing democratic systems based on rule of law and separation of powers.
2. It is important to work at securing channels of pluralism, and individuals' enjoyment for their right to freedom of expression in society. It is also important to work at limiting the individualistic phenomenon that characterizes interim periods in general.
3. Human rights organizations have to continue working at documenting the human rights violations, and drafting reports on them. Also, human rights organizations have to develop channels of communications with the public authority with the aim of persuading it to stop its violations of human rights.

Sixth: The Role of Public Authority in Securing the Independence of the Judiciary and enhancing the Rule of Law in the Interim Period

1. The principle of the rule of law is the basic foundation for securing justice, security, and equality under the law.
2. Under the rule of law the independence of judiciary has a very important status due to its connection to equality, justice, and people's right to be brought before fair and independence trial.
3. The government has, among other things, to make sure that those who occupy positions in the judicial authority are qualified, respected and honest, in order to secure the independence of judiciary. Moreover, the government must secure for judges the necessary suitable working conditions. The judges also must not be subject to forced retirement. Moreover, the government must grant judges immunity against civil appeals because of their sentences and must secure that other authorities will not intervene in the judiciary.
4. The state security courts that characterize many developing countries lack the minimum criteria of the public and fair trial. Bringing citizens before these courts is a violation for their right of fair trial.

Seventh: The Announcement of an Independent Palestinian State

1. The Palestinian people have the right to have an independence State. This right is a legal one based on the UN General Assembly Resolution 181 of 1948, and the principle of the people's right in self-determination, which is separate right, not contractual.
2. The Oslo Agreements practically and legally end on 4 May 1999.
3. Measures should be immediately taken in order to bring about independence, which has been already declared in 1988.

Publishing a Book of the Seminars

The Centre agreed with FIDH on the importance of documenting the above-mentioned seminars. The Centre and the Federation believed that it is necessary to circulate all the interventions and working papers presented in the seminars to the public. Accordingly, the Centre produced a book on the activities of the seminars. The book was published in Arabic in October 1999, FIDH will translate it into French.

The Arab Organization for Human Rights

The Arab Organization for Human Rights, located in Cairo, Egypt, is the oldest Arab regional organization for human rights. The Trustee Council of the organization includes a number of Arab human rights activists. In October 1997, the Director of the Centre Raji Sourani was elected as a member in the trustee council of the organization. This, in fact, constitutes the Arab dimension of the

Centre's work and, likewise, reflects the recognition of the Arab Organization for Human Rights 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 effort in protecting and promoting human rights in Palestine.

The Mediterranean-European Network for Human Rights

The Centre is member of the Mediterranean-European Network for Human Rights. The network is formed of human rights organizations and human rights activists from the Middle East, North Africa, and the European Union. The network was established in 1997 to contribute to protecting human rights according to the Barcelona Declaration of 1995. Between 13-16 April 1999 the Centre participated in the second annual meeting of the network held in Stuttgart in Germany. 55 Arab and European organizations attended the meeting. The meeting adopted the Centre's position paper on the Fourth Geneva Convention,¹⁰³ which targeted the High Contracting Parties to the convention. The participants furthermore committed to work at implementing the paper in spirit and letter.

Moreover, the meeting adapted a decision through which it asked the European Commission to call on the European countries, according to the second paragraph of the partnership agreement, to freeze the European-Israeli partnership agreement due to Israel's violations of Palestinian Human Rights.

Also, a working group to follow up the issue of Palestinian human rights conditions was formed.

Protest Letter to the International Judges Commission in Portugal

On 16 May 1999, the Centre sent a letter to Mr. Mario Soares, head of the International Judges Commission in Portugal, expressing its strong protest at the commission's choice of Aharon Barak, president of Israeli's supreme court, as 1999 winner of the "Justicia en el Mundo" prize. The Centre expressed in the letter its deep disappointment at the commission's choice of Barak for the prize. The letter stated that the precedent-setting decision of the Israeli supreme court to accept the Israeli state attorney's argument that torture methods such as sleep deprivation, violent shaking, or hooding and shakling detainees to low chairs with loud music playing are acceptable, cannot be met with approval by the international community and by the commission. The fact that this systematic torture, which has resulted in death and paralysis, is used only against Palestinians and Arabs highlights the racism at its core. The legalization of torture by the Israeli high court, and by Barak specifically as president of the court, should fundamentally rule him out for the prize. Undoubtedly, this court has taken a shameful action in providing judicial cover to the legalization of torture. Indeed, Israel is the only state in the world to have taken such an action.

¹⁰³ Concerning this conference see page 180 of this report.

In its letter, the Centre urged the commission to reconsider the decision to award Mr. Barak with the “Justicia en el Mundo” prize. The Centre pointed out that articles 146 and 147 of the Fourth Geneva Convention require that perpetrators of grave breaches of the convention, such as torture, be held accountable- not rewarded.

Finally, the Centre commented that the many Palestinian and Arab prisoners who are still enduring torture in Israeli prisons cells would find the awarding of this prize to Mr. Barak to be a perverse miscarriage of justice calling into question whether there is in fact any justice to be found in the world. The Centre added in its letter that “your prize, and the common notion of justice, would certainly be tarnished by awarding of this prize to Mr. Barak”.

(5) Meetings in Gaza with Politicians, Diplomats, UN Representatives, and Other International NGOs

During 1999 the representatives of the Centre met many 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 the Centre’s 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 Centre Receive Cost Rica's Former President

On 14 January 1999 the Centre received Dr. Oscar Arias Sanchez, the former president of Cost Rica Republic between 1986-1999, and the winner of Nobel Prize for Peace in 1987. Dr. Arias has international status in the work for human development, democracy, weapon elimination, and universal peace. In his visit to the Gaza Strip he was accompanied by Cost Rica's Ambassador to Israel Rodirgho Karias, and the General Consult of the Embassy Helda Santisbian.

The Centre Receives the Executive Director of Human Rights Watch Organization

On 29 July 1999, the Centre received Mr. Kenneth Roth, the Executive Director of Human Rights Watch organization, who was visiting the Palestinian Occupied Territories to observe the human rights conditions. The visit took place after the organization's publication of a special report on Israeli violations of human rights in the occupied South Lebanon. Mr. Roth was received by the Centre’s Director Raji Sourani, and members of the Centre's administrative board. During the meeting, Sourani introduced the guest to Israeli violations of human rights five years after the signing of the interim agreements. Moreover, Sourani expressed his disappointment at the American lobbying aimed at politicizing international

humanitarian law. This expressed itself, according to Sourani, through the American attempts to overrule the UN General Assembly Resolution concerning the convening of a conference for the High Contracting Parties to Fourth Geneva Convention to investigate measures to enforce the Convention in the Palestinian Occupied Territories. Sourani added that, despite holding the conference, the participants had not concluded practical measures to protect Palestinian civilians in the occupied territories, and had not fulfilled their obligations under the Convention.

Moreover, Sourani highlighted the situation of the judiciary in the Palestinian Authority controlled areas, and the challenges that are faced by human rights organizations in their work for promoting democracy and enhancing the rule of law and separation of powers.

In the evening time of the same day, the Centre organized another meeting with Kenneth Roth. The meeting was attended by Shimnaaya Gharyghaan, UN Special Coordinator in the Occupied Territories, and Abdel El Rahman Abu El Nasser, Head of Bar Association in Palestine. The next morning another meeting was held in the Centre's office. Dr. Haider Abdel Shafi, the General Commissioner of the Palestinian Commission for Citizen's Rights attended the meeting.

The following is a list setting out the most important visitors to the Centre in 1999

Name of Visitor and Institutions	Date of Visit
Torgeir Larsen, Senior Executive Officer, Representative Office of Norway in Palestine.	January 5
Annie Jay, Field Coordinator West Bank and Gaza-UNAIS.	January 6
Ambassador Hannu Halinen, The U.N. Special Rapporteur on Human Rights in the Occupied Territories.	January 7
Julia Pitner, Search for Common Ground.	January 12
Dr. Oskar Arias, Former President of Costa Rica. Rodrigo Carreras – Ambassador of Costa Rica.	13-14 January
Professor Alan Salamon – U.S.A.	January 25
Jean-Louis Delajot – President, CNAJEP, FRANCE.	January 27
Bert Kling, Executive Secretary for Middle East – Commission on Interchurch Aid of the Netherlands.	February 7
Per Stadig – Swedish ICJ; Ms Annika Lindgren – Swedish ICJ.	February 9

Name of Visitor and Institutions	Date of Visit
Christophe Beney, International Committee of the Red Cross, and Kathrin Diman, Legal Advisor for the Committee. Karin Roxman, Swedish Consul General in Jerusalem. John Lister, First Secretary, American Embassy in Israel Dr. Hiader Abed Al Shafi, Director of Palestinian Red Cross Society	February 10
Karin Roxman, Swedish Consul General in Jerusalem.	February 16
Henning Niederhoff – President Representative for Palestinian Territories – Konrad Adenauer Stiftung Andrea Christ – Konrad Adenauer Stiftung	February 17
David K. Schenker – The Washington Institute for Near East Policy.	February 18
Michael Mcgrath, Funding Project, Save the Children Federation.	February 20
Mr. Kevin Murray, Ms. Sona Bari and Nuhad Jamal – Grassroots International. Kjell Magne Bondevik, Norwegian Prime Minister – arranged by the Representative office in Gaza.	February 21
Susana Mehza – UNSCO Milos Strugar – UNSCO	March 3
Meeting with Rene-Christophe Aquarone, the Dutch Ambassador to the Palestinian National Authority. Karin Roxman, Swedish Consul General in Jerusalem	March 8
Francesca Marotta - Human Rights Officer, UN High Commissioner for Human Rights – Geneva.	March 13
Annie Jay, Field Coordinator West Bank and Gaza-UNAIS.	March 14
Walter Stolz – Consultant – Netherlands.	March 21
Christophe Beney, International Committee of the Red Cross. Meeting with a Norwegian Delegation from the Ministry of Justice (Immigration Department), and Ministry of Foreign Affairs: Assistant Director General, Inger Egeberg – Ministry of Justice Assistant Director General, Sigrun Storsaeter, Directorate for Immigration Advisor, Arne Oerum, Directorate for Immigration Advisor, Frode Mortensen, Ministry of Justice	March 25
Muna Ghali, El Kwikarz Programme	April 7
Delegation from the Danish Representative office to the Palestinian Authority	April 11
Abed El Rhman Abu El Nasser, Bar of Palestinian Lawyers, and Kathrin Diman, Legal Advisor of the International Committee of the Red Cross Lydie Err, Secretary of State for The Ministry of Foreign Affairs.	April 12
Mr. Stefene Holmstrom, Secretary General Sweden; Lillrut Sarras, Swedish Organization for Individual Relief	April 14
Peter Nobel – CERD; Rolf Folkesson – Sida; Camilla Redner – Sida. Martin Forbery – International League for Human Rights; Arnhild Mehnert – International League for Human Rights.	April 15
Mr. Marc Georges, Legal Advisor; Ms. Anita Mueller, the head of Research Analysis and Information division; Laila Bokhari, Temporary Int. Presence in the city of Hebron (TIPH).	
Torgeir Larsen, Norwegian Representative Office	April 19
Heuwauu Pierro – Weltwocho.	April 21

Name of Visitor and Institutions	Date of Visit
Acmarny Aourad – Institute de Science-Politique Toys Mazied – Centre Cultural Francais	April 22
Kristen Maas, Heinrich Boell Foundation – German Org. Meeting with the French Government Monitor, and the Board of Canaa'n Institute. Reverend Brian Cox, Reconciliation Institute.	April 27
Fateh Azam, Kathrin Essoyen ICJ, Noveb, Per Stadig, the International Commission of Jurists-Sweden, Ford Foundation Per Stadig, the International Commission of Jurists-Sweden, Fateh Azam, Ford Foundation, and Joseph Shakla', United Nations Human Rights Centre. Erika Hocks, German-Israeli Lawyers Association	April 28
Cristian Psestraff- German Foundation. Clarisa – Middle East Watch.	April 29
Uys Vilijoen-Representative-South Africa Representative Office to the Palestinian Authority	May 2
Konrad Muller, First Secretary, Australian Embassy	May 6
John Lister, First Secretary, American Embassy In Israel	May 11
Vincent Schneegans – French Lawyer.	May 15
Ashli Koseifer, The Hebrew University in Jerusalem	May 16
Christophe Beney, International Committee of the Red Cross	May 17
Jean Auain – Lawyer in the American University in Cairo	May 24
Sujata Mehta – UNSCO	May 27
Dr. Amin Mekki Medani, First Technical Advisor to the UNHCHR Subhi Kharobi, UNRWA Garth Hewitt – Amos Trust	May 29
Attiya Ahmed – Oxfam	June 7
Pill Pieve, Director Middle East Programs/ American Friends Service Committee. Christophe Beney, International Committee of the Red Cross, and Kathrine Diman, the Legal Advisor of the Committee	June 9
Marcia Hansen – Christian Aid	June 17
Annie Jay, UNAIS	June 25
Souad Dajani, Grassroots International S.T. Polak, Researcher of Psychology- Holland. British Parlimentary Members, and Dr. Hanan Ashrawi in the British Consul In Jerusalem.	June 27
Nurhayat Tuncel, Konstanz University. Omar Faruk, Liberty for the Muslim World- Friends of Al Aqsa.	June 28
Aliya' Al Yaseer and Marselia Beter from UNICEF	June 29
Christine Bell – Belfast.	July 3
Cristophe Beney, the International Committee of the Red Cross	July 6
Torgeir Larsen, Norwegian Representative Office Michael Irving Jensen – University of Copenhagen.	July 7
John Lister, First Secretary, American Embassy in Jerusalem.	July 8
Pill Pierre – American Friends Service Committee. Gerald Simpson – Palestinian Human Rights Monitory Group.	July 9
Scott Kennedy, Mega.	July 15
Hanne E. Roislien, Norwegian Human Rights Fund.	July 17
John Ceughlan – Pax Christi International.	July 27

Name of Visitor and Institutions	Date of Visit
Kenneth Roth, Executive Director, Human Rights Watch.	July 29
Idrees El Yazmi, Mark Bolson, Members of Mediterrean-European Human Rights Network- Mediterrean Investigation committee-Facts on NGOs by the European Network.	July 31
Manuel Fernandez, CIDEAL- Spain Amjad Atallam – United State Institute of Peace; Neil Kritz – United State Institute of Peace.	August 2
Claude Bruderlein, Research Fellow Harvard Centre for Population and Development.	August 9
Manuel Fernandez – CIDEAL.	August 11
Chinmaya Gharekhan, Representative of the secretary General of the United Nations and UN Special Coordinator in the Occupied Territories Jared Rotil, from the British Consul.	August 16
Marie Jean Boshnaq, Gaza, Program Officer.	August 17
Annie Jay, UNAIS	August 19
Peter van Tuijl– Novib.	August 21
Torgeir Larsen, Representative Office of Norway In Palestine. Lars Jonsson, The new consul for the Swedish Consulate	September 1
Dnyaa El Amal Ismaiel, Najah Abu Sultan, Al- Dameer Institute	September 2
Dr. Shirley Way – volunteer in mission – united Methodist church; Brady Way - volunteer in mission – united Methodist church.	September 8
Eddie Thomas – Save The Children, Cairo.	September 12
British Parlimentary Delegation through the British consul	September 15
Fateh Azam, Ford Foundation.	September 18
Jamilah Hamami, World Refugees Child Institute. Marcia Hansen, Christian Aid.	September 20
Ritta Samillton, Swedish Church.	October 2
Alain Weaver and Ed Nyce – Mennonite Central Committee. Julia Pitner- Search for Common Ground.	October 4
Ellen S. Vewboed – PC (USA).	October 12
Richard Skutteberg – The Norwegian Refugee Council.	October 13
Cristophe Beney, International Committee Red Cross	October 14
Mr. Nigenhof, Ministry of Foreign affairs of Netherlands.	October 19
Delegation from the Danish Government	October 29
John Lister, First Secretary, The American Embassy to Israel.	November 10
Delegation from the Swedish Ministry of Foreign Affairs	November 11
Delegation from CCFD and Cimade from France	November 12
Fateh Azam, and Tarin Haji Dr. Amin Mekki Madin, the first technical Advisor in the High Commissioner office for human rights in Gaza, and Joseph Shakla, United Nations Human Rights Centre.	November 20
Andrea Ayre, British Consulate & Gerald Symbson. Ghada El Krmi, Researcher from London.	November 23
Peter Gunning, Irish Ambassador.	December 8
Hatteo Camli – RAM Association	December 13

(6) Receiving Visiting Delegations

In 1999, the Centre received 46 international delegations (totalling about 800 persons) visiting the Occupied Territories, compared with 32 delegations and 600 persons last year. The Centre presented to its visitors a comprehensive overview 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 delegations to the Centre for 1999.

The coordinator	The Number of participants	The institution and country	Date
-	13	Disciples Seminary Foundation – U.S.A.	January 23
Council Of Churches	24	Sant Olaf College	January 23
Council of \churches	12	World Vision – U.S.A Include six presidents of Univresities	January 24
Council of Churches	19	American Students from Middle East Studies Department at the University of Cairo.	February 24
Council of Churches	30	International Centre of Bethlehem	February 27
Abed El Salaam Shahatah	-	Delegation from the Japanies TV.	March 3
-	20	German Delegation-The International Centre of Bethlehem	March 11
Council of Churches	19	Middle East Network, United Methodist.	March 13
Council of Churches	31	Sweden Christian Study Centre	March 15
Council of Churches	11	Group from Christian Aid – U.K.	March 21
-	20	Delegation from the International Students in the Arabic Studies Department-Bir Zeit University	April 4
-	9	School for International Training	April 4
-	-	German Delegation-The International Centre of Bethlehem	April 5
AMIDEAST	9	Student for International Training,	April 7
-	-	German Delegation-The International Centre of Bethlehem	April 17
-	16	Studies Seminar in the Middle East	April 19
Council of Churches	30	German theological Student	April 26
-	2	Very Rt. Ris. Trian Cox	April 27
Council of Churches	22	Sweden Christian Study Center – Group Ali	May 13
Council of Churches	36	Amos Trust	May 29
Council of Churches	17	Truman State University	June 14
Fathi Sabah	14	Middle East Children Global Exchange	June 22
Council of Churches	12	Pax Christi – Holland	June 24
-	13	American Committee on Jerusalem	June 28
Yasser Tishtash	7	World Vision – U.K	June 29
-	7	Church of Scotland	July 1

The coordinator	The Number of participants	The institution and country	Date
–	8	Wi'am Center & Edmund Rice Center	July 15
–	20	University of Toronto - Canada	July 17
The Journalist Mina'em Adwaan	5	Spanish Delegation	July 28
Bassel Abu Sa'id, Head of Palestinian Friendship and Peace Centre	6	Students from United States of America	August 8
The exchangable Tourism Studies Centre- Beit Sahoor.	28	Middle East Group	August 12
The Journalis Mani'em Adwaan	14	CTAM	August 17
–	6	French Delegation– Caritas France	August 18
–	9	Friends of Palestine	August 25
Council of Churches	7	German Delegation-International Centre of Bethlehem	September 6
–	30	St. Olaf College	September 16
–	19	Uniting Church in Australia	September 27
YMCA	4	YMCA & YWCA of Denmark	October 5
نافذ مذکور، Queen land	36	Delegation from Netherland JRO/MACOR/JMAJZ	October 10
Council of Churches	10	Delegation from Switzerland	October 11
Council of Churches	26	26 women from the Christian Church	October 12
–	45	Delegation from French friendship. AMFP	November 1
AMIDEAST		Delegation from the American Universities.	November 8
Council of Churches	20	Swedish Christian Study Centre	November 9
Yasser Tushtash	20	World Vision	November 14
Council of Churches	28	Swedish Christian Study Centre	November 17

(7) Interviews With Representatives of Local and International Media

During 1999 the director and the staff of the Centre continued to meet journalists and representatives from local and international media. In addition, the Centre circulated its press releases to hundreds of international, Arab, and Palestinian media institutions. These institutions then report on what is published by the Centre. The following is a list of journalists and media organisations met by the centre during the year.

The name of the journalists and the media organizations	Date
Meeting with <i>Al-Balaad</i> Radio from inside the Green Line	February 16
Malika Nedir, Journalist–Radio Suisse Romanda	March 9
Interview by phone with Jim Zogby – Arab American Institute	March 10
Boltanski Christophe, Liberation Corespondent. Philippe Gelie, Le Figaro.	March 11
Boltanski Christophe – French Journalist – Liberation. Tangi Salaun, French Telegram Newspaper. Claude Guilala, Swiss L’hebdo Journal dudimanch. Agnes Rotivel – French Journalist – La Croix.	March 13
UNDP. وفد من الصحفيين و الكتاب عن طريق Elaine Fietcher – San Francisco Examiner Group of Danish Journalists	March 22
AP محمد دواس مع قناة Lieberman Jessica ، صحافية أمريكية	March 24
Spanish Journalists – CPA.	April 5
Duane Prentice – Photographer – Tom Keller Photography – New York	April 12
Annette Grossbongardt – Der Spiegel	April 18
Adnaan Najem, Al Ithad Magazine	April 20
Weltwoche (Switzerland News Paper). Hassan Jabr-Al Ayamm News Paper Hassan El Kashen. Ministry of Information.	April 21
Reberca Trounson – Los Angeles Times	April 27
Claude Lorieux – Le Figaro.	May 1
Manauue Blume. Loos Bavduin – Le Soir. Pascal Fznaux – Esppace Orient.	May 6
Aude Siknoles – French Journalist	May 10
Yasura Komori – Japanese news paper – Hsahi Shimbun.	May 11
Scott Peterson – Christian Science Monitor.	May 13
Abed El Ghani El Shami- El quds press	May 16
Patrick Angein – French Journalist	May 18
Etidaal Qanitah- El Risallah News paper	May 27
Number from Journalist from the Centre of International Concerns.	May 29
Gerry Holmes – ABC. Gillian Findlay – ABC. Nasser Atta – ABC.	May 31

The name of the journalists and the media organizations	Date
William Maxwell – Petersburg Times; Iris Rose Hart – Petersburg Times.	June 7
Vincent Huguex – French Reporter – L’expert	June 16
Interview in the Palestinian Cattleite Channel headquarter-Marween Kanafani	July 4
Christian Science Monitor. Matt Rees – Newsweek	August 12
1-Kouider Ferrouk – Al Ahram Hebdo 2-Kerboeuf Anne-Claire – Al Ahram Herdo	August 17
Sandro Conten, Toronto Star.	August 28
Mahdi Bi Shila-French Journalist.	September 20
Wagfim Gronlund – Norwegian Journalist; Magne Kydland - Norwegian Journalist; Richard Skutteberg; Norwegian Journalist.	October 13
Tahr El Nono- El Watan News Paper.	November 11
Camraon Barr – Christian Science Monitor.	November 20
Duruis Hubert – ARTE TV.	November 28
Lina El Abadllah- El Hayaa News Paper	December 5
Nofwoz El Bakri- El Hayaa News Paper Interview in the Palestinian TV.	December 6
Gunnar Zachrisen – Norad	December 8

Part 5: Participation in Training Sessions to Upgrade Centre Staff Expertise

Within the context of efforts to further develop its staff, the Centre during 1999 sent a number of its staff from different units to participate in local, regional, and international training sessions.

31 January – 1 February and 7-8 February 1999, Ibtisaam Zaqout, Fieldwork Unit coordinator, and Mona Shawa, Women's Unit coordinator, participated in a training session organized by Women's Affairs' staff entitled "Support: Mobilization and Pressure". Amongst the goals of the training session was to grant the participants the necessary tools and skills to carry out the support and counselling process with the aim of creating social change. It also aimed to enhance professional and practical understanding of the relation between support/counselling and other human relation skills such as negotiation, conflict resolution, communication and mediation.

4 - 30 June 1999, Fouad Tarazi and Ashraf Nasser Ala'a, lawyers in the Legal Unit, and Sameer Hosnia, part-time lawyer in the Women's Unit, participated in the 30th Session on Human Rights organised by the International Institute for Human Rights in Strasbourg, France.

13 June – 2 July 1999, Ibtissam Zaqout participated in a training session on human rights held in Quebec in Canada. The session was organized by the Canadian Institute for Human Rights in Montreal. More than one hundred participants from all over the world attended.

3 – 6 July 1999, Hanan Matar, lawyer in the Women's Rights Unit, participated in a training session on social and legal consultation. The session, held in Ramallah, was organized by the Women's Center in cooperation with UNDP. Amongst the goals of the session was to upgrade the participant's with new skills in human rights, to introduce them to the most important problems faced by Palestinian women, and to strengthen the network of relations between women's institutions.

24 June – 3 July 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."

CONCLUSIONS AND RECOMMENDATIONS

This report is the outcome of the Centre's work during 1999. 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 Israel and the Palestinian Authority violated human rights. 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 bodies, especially UN bodies. As this report helps to illustrate the human rights situation in the Occupied Palestinian Territories during 1999, it is regarded as an important document of the Centre, helping to direct the Centre in its efforts to design its strategy and policies for the years ahead.

The report clearly illustrates that the human rights situation during 1999 was no improvement on 1998. In this context, PCHR will continue its path to promote respect for Palestinian human rights particularly the right to self-determination. PCHR believes that there is an urgent need, more than ever before, to recruit and mobilize the effort, particularly at the international level, in order to face the attempts to grant legitimacy to the ongoing Israeli attacks on individuals and property in the Occupied Palestinian Territories under the justification of "giving peace a chance" and leaving all disputed issues to be resolved by negotiation without any external intervention.

Within the context of its efforts, PCHR ascribes maximum importance to the Fourth Geneva Convention and the necessity that the High Contracting Parties to the Convention fulfil their commitments under the Convention. In this regard, PCHR considers the holding of the High Contracting Parties conference on 15 July 1999, without concluding any practical measure to stop Israeli violations of the Convention to be highly regrettable. It implies politicization of international humanitarian law. PCHR considers this matter to not only negatively influence the rights of civilians in the OPT, but furthermore the rights of any civilians subjected to occupation in any part of the world. The continuous Israeli violations of Palestinian human rights five years after the Oslo Agreements reflect an apartheid system on the ground. This requires active intervention from the international community to protect Palestinian civilians in the OPTs.

In light of the continuing Israeli violations PCHR is doing its best to continue working to protect human rights and comprehensively monitor these violations and inform the international community of them. Within this context, PCHR will continue to follow up settlement activities, and the settlers and Israeli occupation forces attempts to control more Palestinian land, the Israeli occupation forces practices regarding excessive use of force against Palestinian civilians, Israeli occupations obstacles limiting Palestinians rights to freedom of movement through the policy of closure and its disastrous impact on the economic and social rights of the Palestinian people.

More over, PCHR will continue to highlight the issue of Palestinian prisoners in Israeli prisons, an issue that has not, until now, been resolved. Given the Israeli High Court decision on 6 September 1999 to ban the use of torture, PCHR will continue to follow the developments arising out of this decision, particularly regarding steps being taken to draft new legislation to allow torture. It is also important to follow up the practical measures and methods adopted by the General Security Services during their interrogation of Palestinian detainees, and the extent to which the High Court of Israel reacts to these methods. Within this context PCHR will continue to provide legal aid to Palestinian prisoners in Israeli prisons and will continue working to eliminate all forms of human rights violations.

PCHR is disappointed regarding the democratic transformation process in Palestine. The report highlighted a basic structural defect in the PNA practices. The Palestinian leadership takes direct responsibility for this defect since it did not work sufficiently to enhance the rule of law and separation of powers. This lead to violations of Palestinian human rights by their own people. Given this structural defect, the Centre will continue its work aimed to enhance the rule of law, and to provide the necessary legal aid for victims of human rights violations and abuse of power. Moreover, the Centre will continue its support for all community efforts aimed at building a better future for the Palestinian people, in which a democratic and independent Palestinian State based on the rule of law and respect of human rights will be established. In this regard, PCHR believes that the postponement of announcing the Palestinian State at the end of the legal interim period (4 May 1999) must not prevent serious work from the Palestinian leadership to enhance and build a democratic institution and to take all necessary measures to secure human rights.

PCHR is convinced that there is no option for Palestinian people except the support of democracy, respect for human rights and the rule of law. These issues are the most important challenges faced by the Palestinian people after decades of repression by the Israeli occupation forces. PCHR believes that this option is the real building block for a democratic Palestinian state.

Recommendations for the International Community:

- 1) The international community, particularly the High Contracting Parties to the Fourth Geneva Convention, is legally obliged to secure the respect of the Convention in all circumstances. It is important that these Parties, whether as a group or independently, take practical measures to end grave Israeli violations of the Convention. In this regard the international community should work to stop the waves of confiscation of Palestinian land, building and expanding Israeli settlements, extra-judicial killing, excessive use of force, and to end Palestinian prisoners suffering in Israeli prisons.

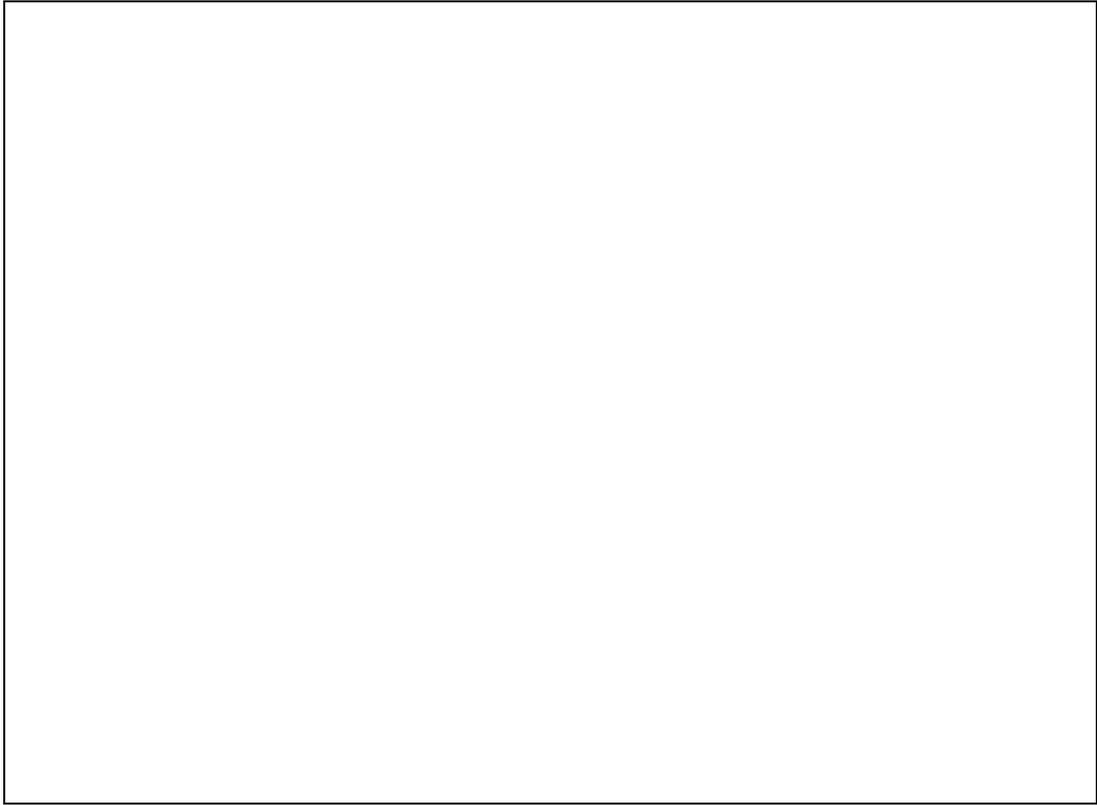
- 2) In spite of the fact that the financial and technical assistance provided by the international community to the Palestinian people is essential, it is not enough. This assistance does not release the international community from its other responsibilities to ensure that the Palestinian people derive real benefit from the assistance provided. For example, financial assistance will not achieve its goals where there is an ongoing Israeli policy of closure against the OPT. Accordingly the international community is obliged to pressure Israel to end the policy.
- 3) The Palestinian people expect the European Union countries to seriously activate the provisions of the European-Israeli Partnership Agreement which required Israeli respect for human rights.
- 4) The American administration must stop applying pressure on the PNA to force it to violate human rights. Real peace in the region cannot be achieved without securing respect for human rights by all the concerned parties.

Recommendations to the Palestinian National Authority:

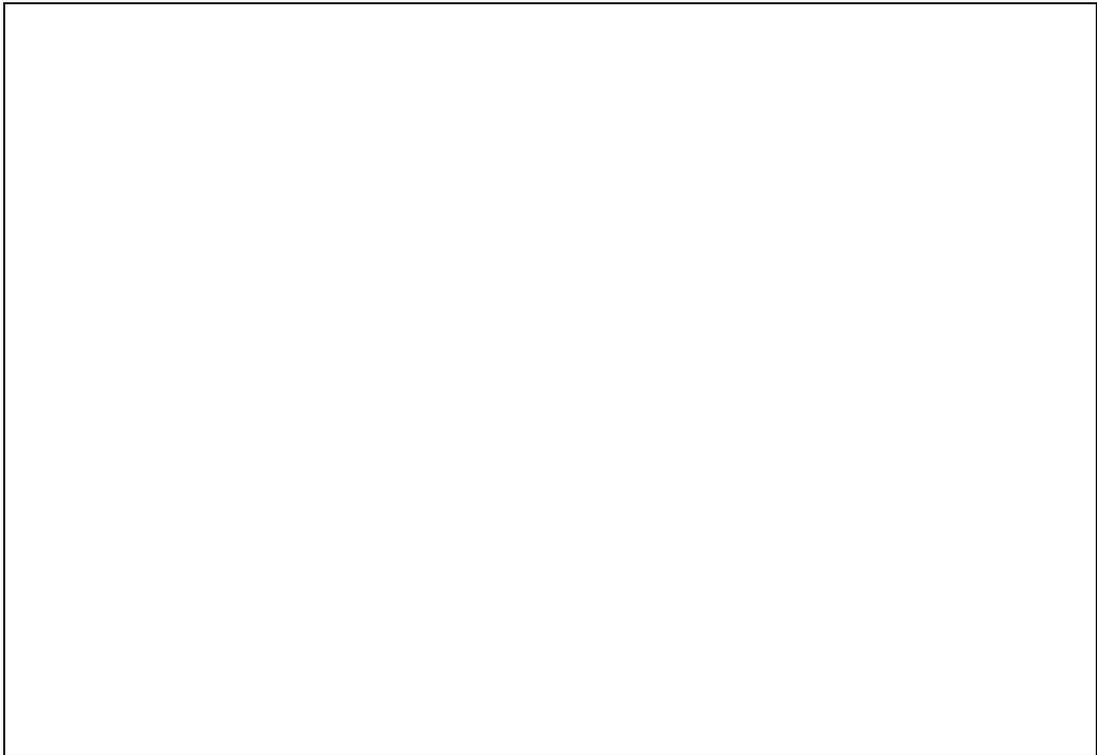
- 1) The PNA must approve the Basic Law (the constitution), which organises the relations between the three authorities, on the one hand, and between the government institutions and citizens, on the other.
- 2) The PNA must enhance the rule of law through implementing the laws by the law enforcement bodies.
- 3) The PNA must support the independence of the judiciary, and must issue the Law of Judicial Independence and respect the Palestinian High Court decisions.
- 4) The PNA must cancel the State Security Court, as this court lacks the minimum requirements of a fair trial. The PNA must also cancel the death penalty since it is a violation of the right to life.
- 5) The PNA must assert the mandate of the Attorney General and ensure that no party will interfere with the mandate. The appointment of the Attorney General for State Security Courts undermines the mandate of the A.G.
- 6) The PNA must take effective measures to organise the work of the State Security Forces and to ensure that they are working according to the law. Given the notable increase in the number of citizens who were killed as a result of misuse of weapons, practical steps are necessary to protect these civilians.

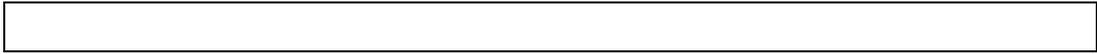
- 7) The PNA must stop illegal arrests and must follow the correct legal procedures when any arrest is made, whether for political or non-political reasons.
- 8) The PNA must carry out local and legislative elections without considering the ongoing developments in the negotiation with Israel. The holding of regular elections is a basic right of the people and is a means through which the leadership gains legitimacy from the people.

Pictures of PCHR Activities

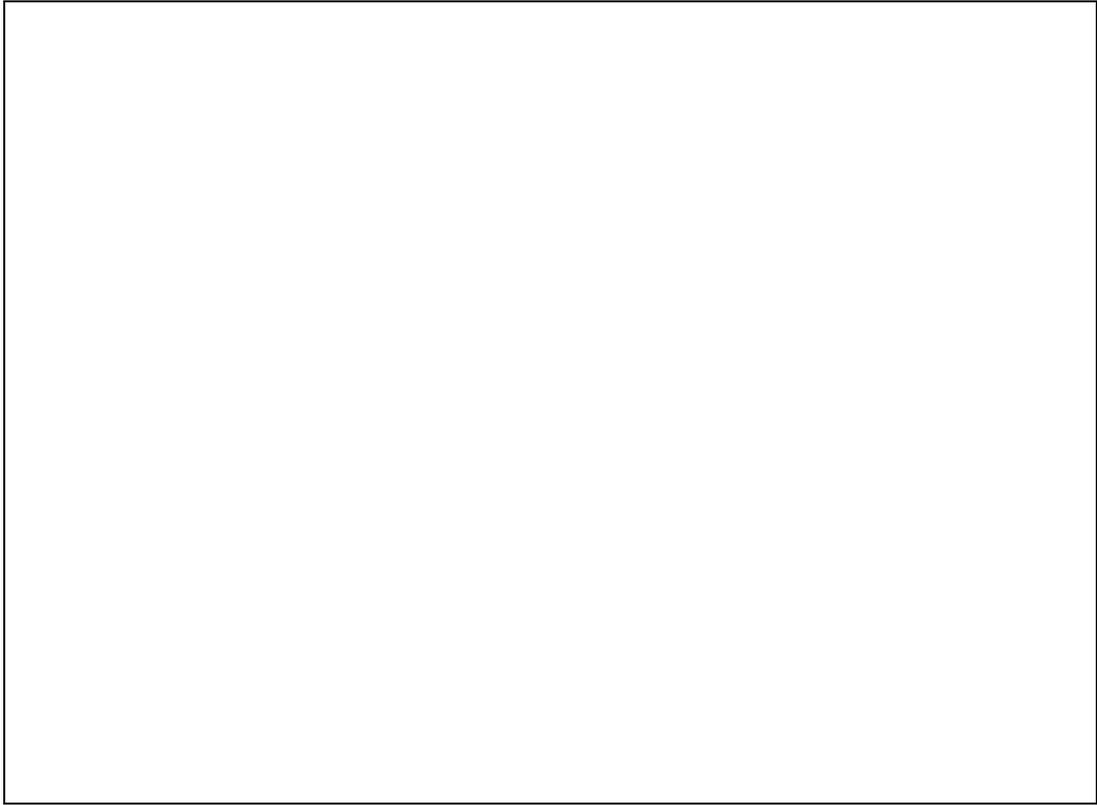


Former President of Costa Rica, Oscar Arias, winner of Nobel Peace Prize, visit to PCHR 13/1/99

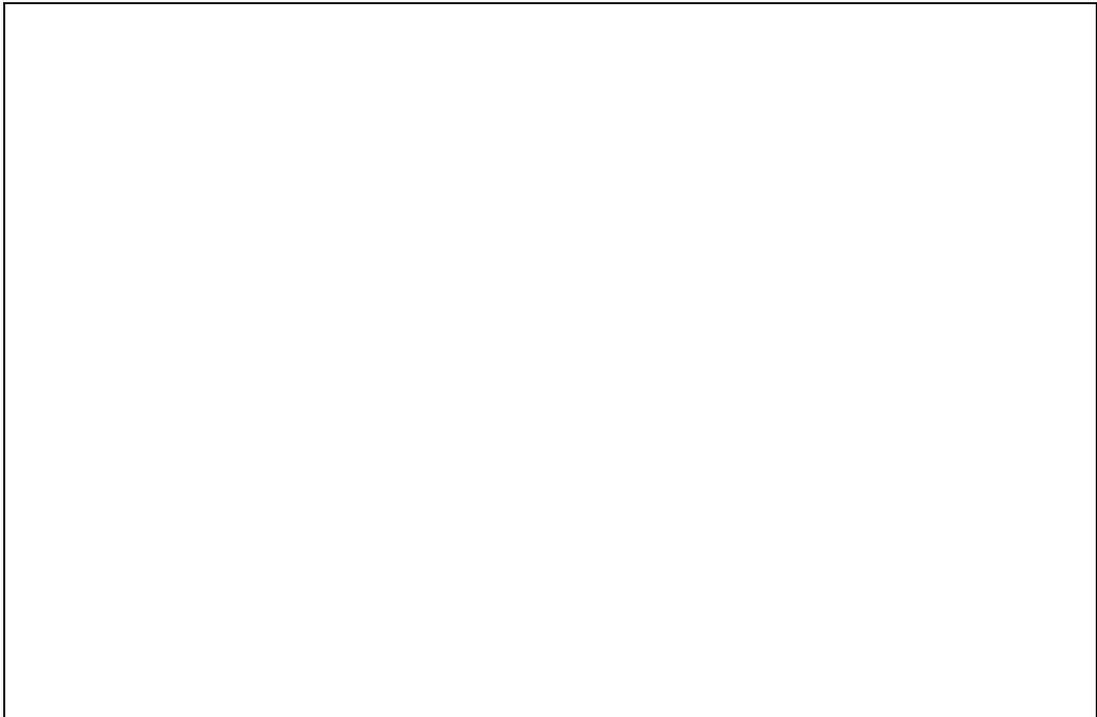




Trainees and PCHR staff, training session for staff of women's organisations (14 – 21 Feb 1999)

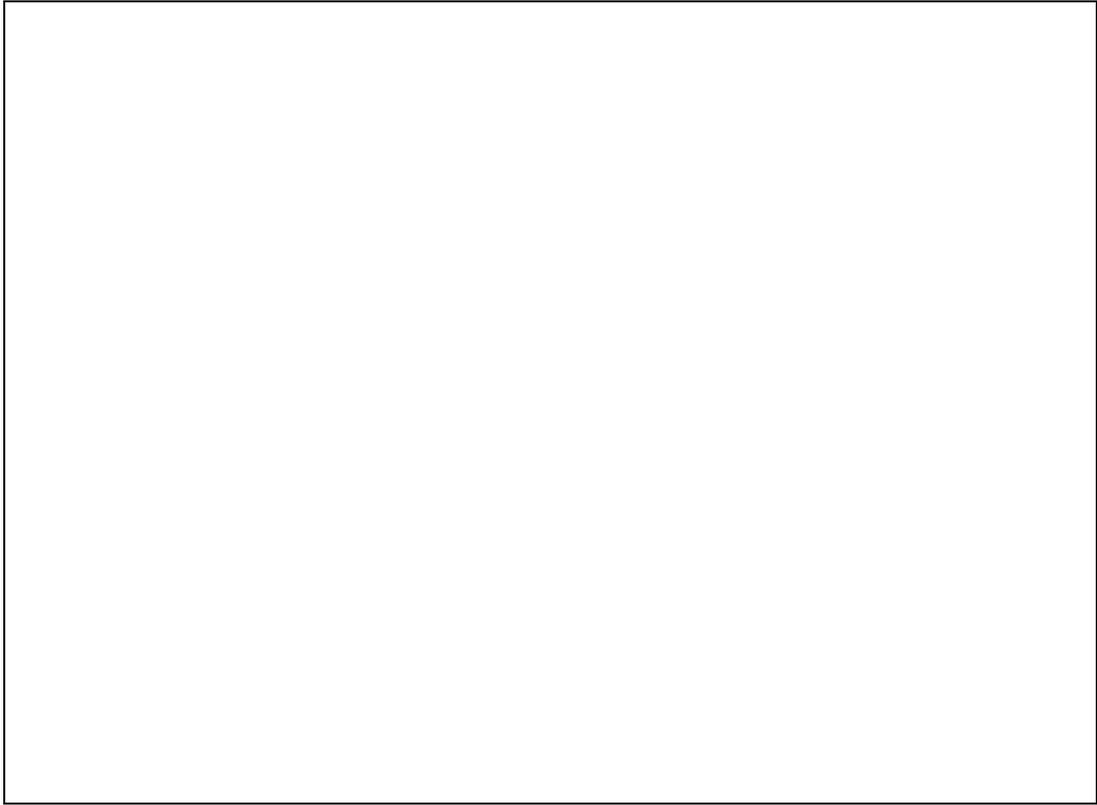


Students of Gaza Islamic University attending PCHR training session on human rights and democracy (9 March 1999)

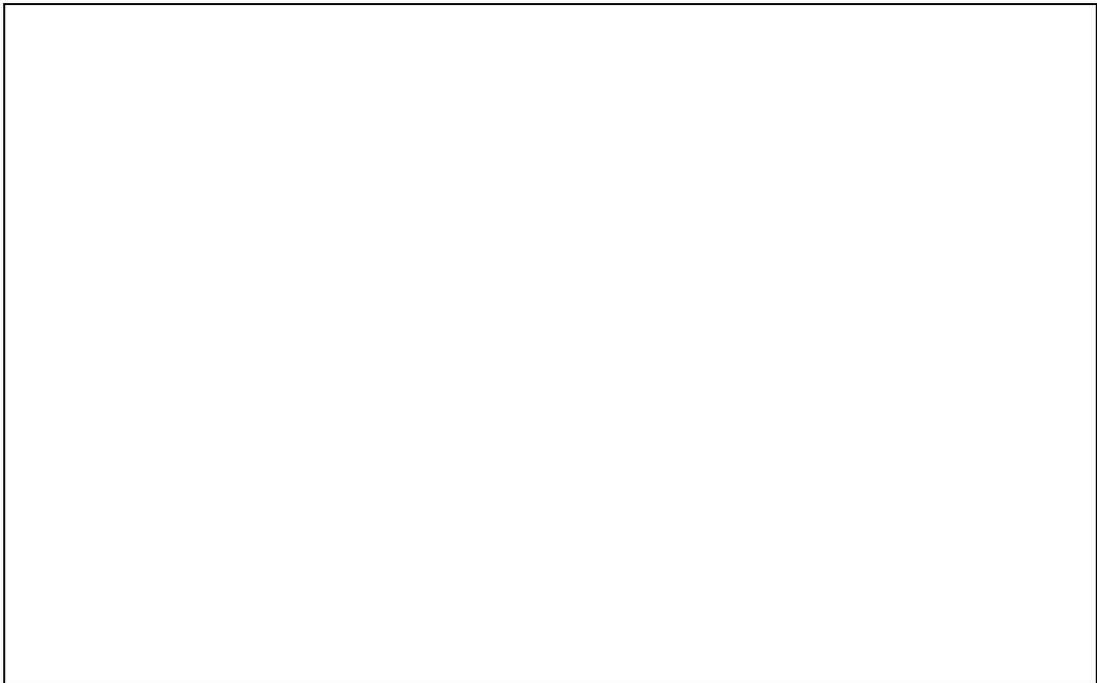




Seminars on Human Rights held in Gaza in cooperation with FIDH (1-4 May 1999)



Participants in PCHR and LAW's parallel meeting for the High Contracting Parties to the Fourth Geneva Convention, Geneva, 14-16 July 1999.





Peaceful march organised by the Jouranlists Association in Gaza on 17 October 1999, to support the freedom of the press.



Raji Sourani, Director of PCHR, during a lecture on the human rights situation in the OPTs given at a University in Spain on 21 October 1999.





Delegation from the French-Palestinian Friendship Association, visit to PCHR on 1 November
1999.

FINANCIAL REPORT