
**Summary Report
on the Human Rights
Situation
in the oPt in 2013**



INTRODUCTION

This year has been the worst in regards to the human rights situation in the occupied Palestinian territory (opt) due to human rights violations perpetrated by Israeli forces against Palestinian civilians or internal violations resulting from practices and measures by Palestinian security services and the two governments in Gaza and Ramallah.

At the Israeli level, no one discusses anymore the essential issues related to the Israeli occupation of the oPt which has been ongoing for 46 years, and no one addresses the Palestinian people's inalienable rights or the right to self-determination as prescribed under Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Regrettably, the international focus has been reduced to issues related to basic needs and means of subsistence, including electricity and water supplies, and allowing the entry of some basic goods, such as construction materials.

Consequently, we witness a new and unique form of the Israeli occupation that includes complete control of the Gaza Strip, imposing very severe restrictions on the movement of persons and goods and creating a man-made crisis, in addition to many other violations, especially killings, detentions and destruction and confiscation of property in land and sea border areas. In the West Bank, Israel has created an apartheid regime, under which it controls Palestinians lands, confiscates property and water resources, expands

settlements, demolishes Palestinian houses in Jerusalem in an attempt to create a Jewish demographic majority in the city, restricts the movement of Palestinians and commits crimes of killing and detention against civilians.

Further deterioration is expected due to the international community's silence and its failure to enforce the international law, including the international humanitarian law, especially the Fourth Geneva Convention.

At the Palestinian internal level, the political split is ongoing leaving disastrous impacts on the human rights situation in the oPt. The Gaza Strip has witnessed measures that violate public liberties, including the right to freedom of movement, the right to freedom of opinion and expression and the right to peaceful assembly. In the past few months, there has been a notable increase in summonses and arrests of activists in relation to Tamarrud (Rebellion) movement.¹ Such summonses were often accompanied by cruel and degrading treatment. In 2013, more death sentences have been issued, while a number of already issued ones have been implemented.

The year has also witnessed more attacks in relation to the phenomenon of misuse of weapons and violation of the rule of law, due to which more Palestinians have been killed or injured.

In the West Bank, PCHR has documented more summonses and detentions of activists of Hamas and the Islamic Jihad, and assaults on public liberties, including the right to freedom of opinion and expression, the right to freedom of Association and the right to peaceful assembly. The year has also witnessed more attacks in relation to the phenomenon of misuse of weapons and violation of the rule of law, due to which more Palestinians have been killed or injured.

The following is a brief report highlighting major human rights violations at the Israeli and Palestinian levels:

¹ A number of persons established a Facebook page entitled "Rebel against Injustice in Gaza," on which they published materials calling on the population to organize protests on 11 November 2013, which marks the anniversary of President Yasser Arafat's death, "against the Hamas' regime in the Gaza Strip."

FIRST: ISRAELI VIOLATIONS OF HUMAN RIGHTS

1. Willful Killings and Other Violations of the Right to Life and Personal Security

In 2013, Israeli forces have committed more crimes and violations of the right to life and personal security against Palestinian civilians in the oPt. Since the beginning of the year, 24 Palestinians have been killed by Israeli forces, including 4 children and one woman. These victims were killed by Israeli forces when no threat was posed to the lives of Israeli soldiers. Additionally, 428 Palestinians have been wounded by Israeli forces.

In the Gaza Strip, 3 Palestinian civilians were killed in access-restricted areas along the eastern and northern border of the Gaza Strip, and a 4th Palestinian was extrajudicially executed by an Israeli warplane in the center of Gaza City.

On 11 January 2013, Israeli forces fired at a number of Palestinian civilians who gathered nearly 50 meters away from the eastern border of the Gaza Strip in an attempt to break the Israeli decision to enforce access-restricted areas. As a result, Anwar Mohammed Olayan al-Mamlouk, 19, from Gaza City, was killed by a bullet to the abdomen.

On 14 January 2013, Israeli soldiers stationed on observation towers at the northern Gaza Strip opened fire at a number of Palestinian farmers who were nearly 1,200 meters from the border. As a result, Mustafa Abdul Hakim Mustafa Abu Jarad, 10, from Beit Lahia, was killed by a bullet to the head.

On 30 April 2013, an Israeli warplane targeted and killed Haitham Ziad al-Mis'hal, 25, from Gaza City.

On 11 August 2013, Israeli forces shot dead Hussein Abdul Hadi al-Nouri, 34, from al-Nussairat refugee camp, when he attempted to cross the border between the Gaza Strip and Israel. The victim was unarmed.

In the West Bank, Israeli forces killed 20 Palestinians in various circumstances, during which no threats were posed to the lives of Israeli soldiers.

More Palestinian civilians were killed during Israeli military incursions into Palestinian communities. On 23 January 2013, Saleh Ahmer Amarin, 15, from Bethlehem, died of wounds he had sustained during clashes with Israeli forces 5 days earlier.

On 12 March 2013, Israeli forces moved into al-Arroub refugee camp near Hebron. A number of Palestinian children and young men threw stones at Israeli military vehicles. Immediately, Israeli soldiers fired at them killing Mahmoud Aadel al-Titi, 22, with a bullet to the jaw.

On 15 January 2013, Sameer Ahmed Awadh, 17, from Budros village near Ramallah, was killed by Israeli soldiers who fired at him from a close range. Israeli soldiers arrested Awadh when he was near the annexation wall, but he was able to escape. An Israeli soldier fired at him wounding him with a bullet to the foot, but he continued to run away. Immediately, Israeli soldiers shot him dead with 2 bullets to the head and the back from a distance of 10 meters.

On 22 March 2013, Israeli soldiers killed Mohammed Sameeh Hussein Asfour, 24, with a rubber-coated metal bullet to the head, when he was participating in a peaceful demonstration organized in Aabout village near Ramallah in solidarity with Palestinian prisoners detained in Israeli jails.

Investigations conducted by PCHR, testimonies of eyewitnesses, and evidence have proven that Israeli forces used excessive and disproportionate force against Palestinian civilians, who are

protected under international humanitarian law. Israeli forces did not take the necessary precautions to distinguish between civilian and military targets, nor did they respond proportionately when using military force. It is also clear that Israeli forces carried out acts of reprisal against Palestinian civilians, who were killed in circumstances that did not pose any threat to the lives of Israeli soldiers.

2. Ongoing Policy of Closure, Violations of the Right to Freedom of Movement

Israeli forces have continued to impose a total closure on the Gaza Strip for the 7th consecutive year, causing further deterioration to the humanitarian situation in the Gaza Strip, especially in regards to poverty, unemployment and food security. The economic and social conditions in the Gaza Strip have further deteriorated to Israeli policies that have obstructed chances to revive the Palestinian economy and resume economic activities. Israeli policies have violated the rights of the Gaza Strip to adequate living standards, work, social security, health and education. The measures declared by Israel allegedly to ease the closure do not deal with the essence of the crisis, which can be ended only through completely lifting the closure and the restrictions imposed the freedom of movement of persons and goods.

Restrictions on the Freedom of Movement of the Gaza Strip Population

In 2013, Israeli forces have continued to prevent Palestinian civilians, including patients seeking medical treatment and individuals with emergency humanitarian needs, from entering Israel. Palestinians in the Gaza Strip continue to be denied the right to freedom of movement. They suffer greatly from the restrictions imposed on their passage through Beit Hanoun ('Erez') crossing. In 2013, Israeli forces have continued to close Beit Hanoun crossing to Palestinian civilians, thus preventing people in Gaza from accessing holy sites in Jerusalem and Bethlehem, studying in universities in the West Bank, and visiting their families and relatives in the West Bank, and vice versa. Since the Hamas' takeover of the Gaza Strip on 15 June 2007, only a limited number of patients have been allowed to travel to the West

Bank and Israel for medical treatment. International journalists, diplomats, and employees of international organisations wanting to pass through Beit Hanoun crossing often have to undergo thorough searches, while travellers face strict travel restrictions and complicated and humiliating procedures.

Over the past years, Rafah International Crossing Point at the Egyptian border has served as the sole outlet for the Gaza Strip population to the outside world. Since June 2013, and due to the Egyptian internal crisis and the deterioration of the security situation in North Sinai, the crossing point has been closed for long periods. This situation has again revealed the real circumstances facing the Gaza Strip population due to the closure of all border crossings of the Gaza Strip, especially Erez crossing, by Israeli authorities for more than 7 years. As a result of the closure of Rafah International Crossing Point, 1.7 Palestinians living in the Gaza Strip have been denied their right to freedom of movement to and from the Gaza Strip. Hundreds of Palestinians have been stuck in Egypt waiting for the crossing point to be opened, including dozens of patients, Palestinian families living abroad which went to Egypt in order to enter the Gaza Strip to visit their relatives and hundreds of students studying abroad who were on their way to the Gaza Strip to spend their holidays with their families. On the other hand, at least 5,000 Palestinians, including hundreds of patients who are in a bad need for medical treatment abroad, are suffering because they have been prevented from travelling abroad. Besides, hundreds of workers holding residency permits in different countries have been prevented from leaving the Gaza Strip.

The closure of Rafah International Crossing Point raises an essential issue that the Gaza Strip is a part of the oPt, and its natural extension is the West Bank, including East Jerusalem. Therefore, Israel, as the occupying power, has legal obligations towards the Gaza Strip population, especially according to the Fourth Geneva Convention, to ensure the freedom of movement of the Gaza Strip population and the secure follow of basic needs into the Gaza Strip through commercial crossings.

Movement of Goods

Israeli forces have used Karm Abu Salem (Kerem Shalom)

crossing as the sole commercial crossing for the Gaza Strip after closing all other crossings, increasing the suffering of the Gaza Strip population. This crossing is not well-equipped and has a limited capacity that does not meet the Gaza Strip's needs. Before tightening the closure imposed on the Gaza Strip, a daily average of 570 truckloads used to be allowed into the Gaza Strip. This number dropped to about 165 truckloads daily in 2013. Israeli forces have continued to ban exports from the Gaza Strip to the West Bank, Israel and the outside world, excluding limited quantities of the Gaza Strip's products, such as flowers, strawberries, tomatoes, clothes, biscuits and tomatoes, with a monthly average of 10 truckloads. Before tightening the closure imposed on the Gaza Strip, a daily average of 150 truckloads used to be exported.

Most of the goods allowed into the Gaza Strip in 2013 have been consumptive, while the import of many raw materials has been banned. Over the past years, the Gaza Strip population has obtained their basic needs through tunnels at the Egyptian-Palestinian border. The restrictions imposed on the flow of goods through tunnels since June 2013 have resulted in shortages in many basic goods, especially fuels and construction materials.

In 2013, the cooking gas crisis has continued in the Gaza Strip because of the limited quantities of gas allowed by Israeli forces into the Gaza Strip; a daily average of 91 tons, which constitutes 45.6% of the population's daily needs that amount to 200 tons. Israeli forces have also imposed restrictions on the entry of benzene and diesel, and a few amounts have been allowed into the Gaza Strip daily.

The Gaza Strip has witnessed a sharp increase in the prices of construction materials due to the ban imposed by Israeli authorities on the entry of construction materials into the Gaza Strip. According to PCHR's documentation, in 2013, 6.8% of Gaza's monthly needs of cement, 1.7% of the monthly needs of construction steel have been allowed into the Gaza Strip. Over the past years, the Gaza Strip's population had depended on construction materials smuggled through tunnels at the Egyptian border, and as restrictions have been imposed on such tunnels, smuggling construction materials has been stopped, so many

construction and infrastructure projects have been stopped.

As a result of the restrictions imposed on the entry of raw materials and the destruction of at least 70% of economic facilities during Israeli military operations in the Gaza Strip, various economic sectors have sustained large losses.

The deterioration of economic conditions in the Gaza Strip has led to an increase in poverty rates to 38.8%, including 21.1% who suffer from extreme poverty. Unemployment rates also amounted to 31% by the end of 2012, 20% among males and 50% among females, according to the Palestinian Central Bureau of Statistics.

3. Israeli Crimes in Access-Restricted Areas² in the Gaza Strip

Israeli forces have continued to attack Palestinian civilians and their property in access-restricted areas along the northern and eastern border of the Gaza Strip. Although Israeli forces claim that deny access of Palestinians to less than 300 meters from the border fence, they practically fire at Palestinians at much farther distances from the border fence. Israeli snipers stationed on observation towers along the border open fire at Palestinian workers who collect bricks and aggregate from border areas, especially near Erez crossing, to use them in construction works. As a result of these attacks, 3 Palestinian civilians were killed and another 33 ones were wounded.

Additionally, Israeli forces arrested 15 Palestinians, including a number of children, when they got close to the border fence or attempted to cross the border to search for jobs in Israel.

4. Israeli Attacks on Palestinian Fishermen and Their Fishing Equipment

According to the Oslo Accords signed between Israel and the Palestine Liberation Organization, the limit of fishing zone allowed for Palestinian fishermen in the Gaza Strip sea is 20 nautical miles, but Israeli forces practically reduced this limit to 12 nautical miles

². Israel has unilaterally and illegally established a so-called "buffer zone", an area prohibited to Palestinians along the land and sea borders of the Gaza Strip. The precise area designated by Israel as a "buffer zone" is not clear and this Israeli policy is typically enforced with live fire.

only. Israeli forces even imposed severe restrictions on Palestinian fishermen within this limit, and attacked Palestinian fishermen, killing a number of them. Following the Israeli military redeployment outside the Gaza Strip in September 2005, Israeli forces continued to control the sea, and reduced the limit of the fishing zone to 6 nautical miles in October 2006. Israeli forces imposed additional restrictions afterwards and reduced the limit of the fishing zone to 3 nautical miles in June 2007. Even within this tightened fishing zone, Israeli naval forces forced and attacked Palestinian fishermen.

In 2013, Israeli naval forces have continued to attack Palestinian fishermen in the Gaza Strip. These attacks have included arresting and firing at fishermen and chasing and damaging fishing boats. Some of these attacks took place within the fishing zone designated by Israeli authorities at 6 nautical miles, which indicates that Israeli forces seek to combat fishermen in their means of subsistence.

In 2013, Israeli forces escalated their attacks against Palestinian fishermen, including killing and wounding fishermen, confiscation of their fishing equipment and forcing them to leave the sea. According to PCHR's documentation, Israeli naval forces have launched 111 attacks against Palestinian fishermen, including 95 incidents of shooting at fishing boats in which 9 fishermen were wounded; and 5 incidents of chasing fishermen within the limit of the fishing zones during which 14 fishermen were arrested, 9 fishing boats were blocked and 13 fishing boats and other fishing equipment were damaged.

Israeli attacks have aggravated the suffering of Palestinian fishermen in the Gaza Strip. Palestinian fishermen have been suffering the sea blockade and restricted access to the sea, and severe shortages of fuels required for operating fishing boards. According to PCHR's follow-up, at least 4,000 fishermen were not able to provide the fuel required for the operation of their fishing boats, which resulted in serious deterioration of living conditions of more than 75,000 people who depend on the fishing sector as a major source of their livelihood. It is worth noting that due to the Israeli-imposed closure, the Palestinian population of

the Gaza Strip depended on fuel smuggled through tunnels at the Egyptian-Palestinian border. However, since June 2013, the Egyptian fuel supplies have been completely stopped, so many economic sectors, including fishing, have been paralyzed.

5. Arrests, Detention, Torture and Other Forms of Cruel, Inhuman and Degrading Treatment

In the West Bank, Israeli forces arrested hundreds of Palestinians during Israeli incursions, arrest campaigns at checkpoints, and campaigns conducted to arrest wanted people. In the Gaza Strip, Israeli forces continued to arrest more Palestinians in the access-restricted areas (buffer zone) along the eastern and northern borders of the Gaza Strip, at sea, and at the Beit Hanoun ('Erez') crossing point in the north of the Gaza Strip. PCHR documented the arrest of 2,074 Palestinians by Israeli forces in 2013, the vast majority of whom were from the West Bank. 1,085 Palestinians were arrested in the West Bank, and 73 were arrested in the Gaza Strip.³

Palestinian prisoners in Israeli jails are subjected to various forms of torture and inhuman and degrading treatment. They suffer violent beatings and insults, and endure various forms of torture during interrogation, including physical ill-treatment, sleep deprivation, denial of visitation rights and proper health care, and denial of their right to meet with their lawyers and receive legal counselling. In this context, 3 Palestinian prisoners died in 2013, two of them as a result of medical negligence while the third one died due to torture during interrogation. On 23 February 2013, Arafat Shalish Shaheen Jaradat, 30, from Saeir village near Hebron, died because he was subjected to torture during interrogation in Mageddo Prison inside Israel. On 02 April 2013, Maisara Abu Hamdiya, 64, from Hebron, died in Soroka Hospital in Israel as he was suffering from throat cancer. On 05 November 2013, Hassan Abdul Halim Abu Qader al-Turabi, 23, from Surra village near Nablus, died in Affoula Hospital inside Israel as he was suffering from leukaemia.

To date, approximately 5,200 Palestinians are still in Israeli

³ This statistic includes hundreds of civilians who were arrested for short periods and released hours after their arrest.

custody in prisons and detention facilities mostly inside Israel in an obvious violation of Article 76 of the Fourth Geneva Convention of 1949, which stipulates: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."¹⁴ members of the Palestinian Legislative Council (PLC) have been imprisoned in Israeli jails. Most of the PLC members are from the 'Change and Reform' bloc, which is affiliated with Hamas, 2 are from Fatah, and one was from the Popular Front for the Liberation of Palestine (PFLP), and 3 are former ministers.

6. Settlement Activities and Attacks by Israeli Settlers

The Israeli government, its occupation forces and settlers living in the oPt in violation of international law have continued the expansion of settlements in the West Bank. Armed Israeli settlers, protected by Israeli forces, have continued to commit crimes against Palestinian civilians and property. In 2013, Israeli settlers have escalated their attacks against Palestinian civilians and property, launching some joint attacks with the Israeli forces against Palestinian civilians.

Israeli forces have continued to confiscate civilian property belonging to Palestinians to facilitate the expansion of settlements. This is in violation of international humanitarian law, which prohibits changing the nature of an occupied territory unless there is military necessity in the narrow sense of the term - a condition that is not fulfilled in this case.

According to new statistics of the Israeli Interior Ministry, the number of Israeli settlers in the West Bank is more than 350,000, in addition to more than 300,000 settlers in East Jerusalem. According to the Israeli bureau of statistics, the number of settlers increased by 2.8% in the period from the beginning of 2013 to July due to settlement expansion in the West Bank.

Armed Israeli settlers, protected by Israeli forces, have also continued to commit crimes against Palestinian civilians and property in the West Bank, including East Jerusalem. Attacks by Israeli settlers against Palestinian civilians and property have continued in 2013, and have become more systematic. In many

instances, Israeli settlers wrote the phrase “Price tag” on the mosques, houses, and cars that they attacked.

Attacks by Israeli settlers often take place before the eyes of Israeli forces, which often protect the settlers and do not intervene to stop such attacks. In general, Israeli forces also ignore complaints submitted by Palestinian civilians concerning attacks carried out by settlers, thus encouraging the latter to launch more attacks and disappointing Palestinian victims.

7.The Absence of Justice in the Israeli Legal System

The amendment No.(8) to the 1952 Israeli Civil Torts Law (Liability of the State), which was approved by the Israeli Knesset on 16 July 2012 and applies retroactively from 2005 and onwards, constitutes complete denial of the Palestinian victims’ access to the Israeli judiciary to seek justice and remedy. This amendment exempts the State of Israel of any liability arising from damages caused to a resident of an enemy territory during a ‘combat action’ or ‘military operation’. It means that it exempts the Israeli forces from compensating the victims of the 2008-2009 Israeli offensive on the Gaza strip and the 2012 Israeli offensive. This measure is part of a long series of procedures and laws enacted by Israeli forces to protect Israeli war criminals from being held accountable and to deny Palestinian victims their right to compensation and justice. The latest of these procedures was the Israeli Military Prosecution’s decision to close the cases of al-Dalu Family and al-Shawa family without conducting any legal prosecutions.

In addition to the aforementioned amendment, Israeli forces have worked on imposing monetary, legal and physical obstacles in the last year to close the door completely before the Palestinian victims to get their rights to Justice. The most prominent obstacles were identified as:

8.Statute of Limitations

According to Israeli law, civil complaints must be filed to the compensation officer in the Israeli Ministry of Defence within 60 days of the date of the incident. Compensation claims must be

filed before the Israeli civil courts within two years of the date of the event. Otherwise, victims lose their right to an effective remedy. These periods constitute a significant obstacle in light of the restrictions placed on freedom of movement by the policy of closure imposed on the Gaza Strip, under which Palestinians are deprived of access to the Israeli investigation authorities and courts.

9. Court Fees and Court Guarantees

Israeli courts impose high court fees and court guarantees on Palestinians who file cases. Calculating the fees is left to the discretion of the court. In PCHR's experience, court guarantees are at least 10,000 NIS (approximately USD 2,800) and can be much higher. In a recent case filed by PCHR, the plaintiffs were required to pay 20,000 NIS (approximately USD 5,600) in court guarantees for each of the victims on behalf of whom the claims were filed. These requirements constitute a significant monetary barrier to access to justice.

10. Physical Access to Lawyers and the Courts

Under Israeli law, for a testimony or an affidavit to be legal, an eyewitness or a victim must physically appear before a court. Since 1967, in spite of decisions by courts summoning victims or eyewitnesses, Israeli forces have generally prevented them from travelling outside the Gaza Strip. As a result, victims' claims are dismissed and dropped. In addition, due to restrictions imposed on the movement of its lawyers, PCHR has been forced to appoint lawyers inside Israel, which results in additional financial burdens. All applications submitted by Israeli lawyers requesting permission to travel to the Gaza Strip to meet with their clients have been rejected, negatively impacting their ability to adequately represent victims.

In addition, the Military Prosecutor's Office of the Military Advocate General (MAG) and the Compensation Office of the Israeli Ministry of Defence often ignore criminal civil complaints filed to them on behalf of Palestinian victims. For example, since 2009, PCHR has submitted 1,046 civil complaints to the compensation officer in the Ministry of Defence, but has received

only 16 responses in relation to 26 cases. During the same period, PCHR submitted 490 criminal complaints to the MAG, but it has received only 19 responses regarding 23 cases. Responses were limited to acknowledging receipt of the complaint, claiming that the complaint would be investigated and that PCHR would be informed of the findings.

SECOND: PALESTINIAN VIOLATIONS OF HUMAN RIGHTS

1. Violations of the Right to Life and Personal Security

In 2013, there have been continued violations of the right to life and personal security due to the misuse of weapons, as well as violations of the rule of the law in the oPt. From the beginning of 2013 to 31 October 2013, at least 27 people were killed, including 5 children and 6 women, and around 88 people were wounded.

Eight of these persons were killed in incidents related to the misuse of weapons in the oPt, included the use of weapons in personal and familial disputes. Additionally, 3 women were killed on grounds of “family honour”. The oPt witnessed other crimes related to disputes between armed groups and security services in addition to the use of excessive force by law enforcement officials.

2. Continued Application of the Death Penalty

In 2013, the Palestinian courts have issued 12 death sentences. Eleven of the death sentences were issued in the Gaza Strip, and only one of them was issued in the west Bank. The number of death sentences issued by the Palestinian courts since the 1994 has risen to 146; 119 of which were issued in the Gaza Strip, and 27 of which were issued in the West Bank. The total number of death sentences issued in the Gaza Strip since the Hamas’ takeover in 2007 has increased to 61.

In the same context, the government in Gaza implemented 3 death sentences in 2013 without ratification by the President of the Palestinian Authority, so the total number of death sentences implemented in the Gaza Strip since the Hamas' takeover in 2007 has increased to 17. Eight of these sentences were issued on the grounds of collaboration with foreign parties, and the other nine were issued on the grounds of criminal cases (murders). Thus, the total number of death sentences implemented since the establishment of the Palestinian Authority in 1994 has increased to 30.

3. Arrests, Detention, Torture, and Other Forms of Cruel, Inhuman, or Degrading Treatment

The security services of both the Ramallah and Gaza governments HAVE continued to subject Palestinian civilians to illegal arrests, torture, and other forms of cruel, inhuman and degrading treatment in 2013. The use of torture can be attributed to the ongoing political division, criminal behaviour, and disputes arising between detainees and security officers.

In the Gaza Strip, dozens of Fatah movement activists, including a number of women, were subjected to frequent summonses to refer to the security services in different areas of the Gaza Strip. A number of these activists were arrested from time to time, including some who were sentenced. The past two months have witnessed significant increase in the number of summonses and arrests of dozens of civilians on the grounds of the call related to "Tamarrud" movement. Most of these activists were subject to inhuman and cruel treatment as they were held in cells or small rooms, were forced to stand for long hours and repeatedly referred to the Interior Security Services after releasing them. Some of them were also subject to torture during investigations.

In the West Bank, the Security Services (the General Intelligence Service, the Preventive Security Service and the Military Intelligence Service) have continued to illegally arrest and summon Hamas and Islamic Jihad activists, including academics. In a number of cases, security service members unjustifiably used force when cruelly attacking families of wanted persons. Security members also searched civilian houses and confiscated personal

belongings before arresting the wanted persons. Some of the persons who were arrested and then released stated that they were subject to torture during investigation by different security services. This year has also witnessed the security services' refusal to apply court rulings to release political detainees.

In addition to political arrests, arrests of criminal nature and the accompanying defect in the legal proceedings clearly emerged as well as practices of torture and inhuman treatment in detention and investigation centres of the security services in the West Bank and Gaza Strip.

4. Violations of the Right to Freedom of Association

The two governments in the West Bank and the Gaza Strip have continued to impose restrictions on the work of the associations and confiscate their independence by enacting new laws and regulations in order to put more restrictions on the work of the associations or by using arbitrary illegal procedures. As a result, the work space of civil society organizations has been reduced. Those procedures and restrictions violate the Palestinian Authority's obligations to respect and guarantee this right according to relevant international and local standards.

The Palestinian political division contributed to increasing the violations of the right to freedom of association. In 2013, these violations have continued accompanied by enacting new laws or amending existing ones in this regard. In the Gaza Strip, the Ministry of Interior continued to intervene into the affairs of NGOs and civil society organization to tighten control over them in all ways. The Ministry continued to arbitrarily use licenses for associations in addition to prevent holding activities and events for NGOs in a clear violation of law. The right to form non-profit associations in the Gaza Strip was denied by cancelling the article related to this right in the 1929 Companies Act under the Companies Act No. (7)/2012 in the Gaza Strip. The unconstitutional amendment of the executive regulation of the Association Act No. (229)/2011 continued to be applied granting illegal powers to the Ministry of Interior in the Gaza Strip to monitor the associations and ask for whatever documents it needs. Moreover, three associations were raided and searched

by unidentified persons in 2013, and the Palestinian government in Gaza failed to prosecute them as it was the case most of such attacks in previous years.

In the West Bank, violations of the right to freedom of association continued, and there have been no new legal developments or administrative procedures on this right. Nothing new came onto the punitive procedures and decisions taken by the government in Ramallah against dozens of associations affiliated to Hamas following the incidents of division in 2007. One hundred and three associations remained closed despite the claims of the civil society organizations to re-open them. The Ministry of Interior still refuses to register any association that is close or affiliated to Hamas. On the other hand, security services still refuses to apply some judicial decisions related to the re-opening of some associations.

5. Violations of the right to peaceful assembly

The year of 2013 has witnessed continued violations of the right to peaceful assembly in the oPt by both governments in the Gaza Strip and West Bank and their security services. These violations included imposing precautionary measures to prevent and restrict organizing peaceful assemblies in their respective areas of control. Although the end of 2012 and the beginning of the current year witnessed a positive climate accompanied with positive intentions towards the Palestinian reconciliation in the latest months of 2012, violations of the rights to peaceful assembly in the Gaza Strip and West Bank immediately came back due to the defeated hopes of achieving the Palestinian reconciliation.

The most prominent violations in the Gaza Strip were the following:

On 01 February, the Palestinian police prevented the *Hizb Ut Tahreer* (Liberation Party) from screening a film titled “The Syrian Revolution Came with the Truth” in open-public areas all over the Gaza Strip. The event was supposed to start in Rafah on 02 February.

On 07 April, The Palestinian police dispersed a sit-in organized by young Palestinians in solidarity with the Palestinian prisoners on hunger strike in the Israeli jails in Rafah in the south of the Gaza Strip. The police officers justified their decision to disperse the sit-in that the organizers of the public meeting did not obtain the required permission from the Ministry of Interior. On 07 May, the Palestinian police dispersed a sit-in in solidarity with Syrian people condemning the Israeli shelling on Syrian territories. The sit-in was organized in al-Qal'aah square in the centre of Khan Younis in the south of the Gaza Strip upon the call of the Popular Front for the Liberation of Palestine (PFLP).

The most prominent violations in the West Bank were the following:

On 23 March, Palestinian security officers used clubs and sticks to beat the participants in a peaceful assembly, which was called for by the *Hiz Ut Tahreer* in Tulkarm in the north of the West Bank.

On 25 April, the Palestinian security services dispersed using force a peaceful sit-in organized by Palestinian activists in Tulkarm in the north of the West Bank, in protest against the Peace initiative presented by the U.S. Secretary of State, John Kerry, during his visit to the region.

On 04 May, Palestinian Security Services in Jenin in the north of the West Bank prevented a peaceful political sit-in organized by the *Hiz Ut Tahreer* in the centre of the town. Hundreds of security officers were deployed in the area of al-Jadid Mosque in the centre of Jenin and tried to surround the gate of the mosque in order to prevent the movements' members from holding the sit-in.

1. Violations of the Right of Freedom of Expression and Opinion

In 2013, the two governments in Ramallah and Gaza and their security services have perpetrated more violations of the right to freedom of opinion and expression in their attempt to prevent the converge of certain incidents in their respective areas of control or in light of their follow-up of media trends and opinions,

which disagree with their opinions. The Gaza and Ramallah governments committed violations of the rights of journalists, various media workers, editors, and others, who challenged mainstream opinions. The Gaza government still bans the distribution of West Bank-based newspapers, al-Quds, al-Hayat al-Jadeeda and al-Ayyam, while The West Bank government has been banning distribution and printing of the Gaza-based newspapers of Palestine and al-Risala.

On 21, 22 and 23 respectively, 7 journalists and workers in the field of electronic journalism in Gaza and the central Gaza Strip were summoned and arrested by the Internal Security Service (ISS) in Gaza that searched houses belonging to some of them and confiscated their computers.

On 03 March, Tahsin 'Abdel Hamid al-Astal, who works for Al-Hayat al-Jadeedah newspaper was questioned by the public prosecution in Khan Younis in the south of the Gaza Strip on the grounds of writing an article titled as "Police against Law" that was published on 06 February 2013.

On 23 May, Dr. Ibrahim Abrash, the former Minister of Culture and a university lecturer, was questioned by the ISS in Gaza on the ground of an article he published on 07 May 2013 titled "Gaza Does Not Give Indulgence to Anyone", in which he criticized the visit of Sheikh Qaradwi to Gaza.

On 02 and 03 June, the ISS and police and general investigation bureau in Gaza summoned 11 PFLP activists in Rafah, Khan Younis and the central and northern governorates. They were all questioned on the ground of distributing two public statements, one of which was titled "The State of Popular Resentment and Suffering Will Lead to Non-Stoppable Popular Explosion," and the second one was titled as "No for Murderers" and was distributed in Khan Younis.

On 03 July, security service officers in Rafah confiscated two cameras from two journalists, Feras Joudah and Mothanah al-Najjar, while carrying out their job in the city.

On 25 July 2013, The police general investigation bureau closed

the head offices of Al-'Arabiyah Satellite Channel and Ma'an News Agency in addition to the head office of Lance Media Company according to decisions issued by the Attorney General in Gaza.

On 01 August, 'Abdullah Mohammed 'Ebeid, Editor at the Palestinian Network for Journalism and Media and opinion writer, and Amjad Ayman Yaghi, a journalist at Karbalaa' Satellite Channel and the Lebanese Akhbar Newspaper, were detained by police investigation bureau officers in Gaza while they were covering the peaceful assembly in Al-Jundi al-Majhoul Square in the west of Gaza City.

On 12 August, Talal Faris al-Sharif (59), who works at al-Ahli Hospital in Gaza and as well is an opinion writer, was investigated by the General Prosecution about an article he published on 12 September 2011; titled as "Accusing my brother, who is an investigation officer with trying to smuggle Abu Mazin through a tunnel!!"

On 26 August, The ISS in Gaza summoned Seif al-Din Shahin, Director of al-Ghad al-'Arabi Satellite Channel in Gaza, and Dr. Khader Mehjez, a university lecturer, and questioned them on the grounds of an interview broadcasted on al-Ghad al-'Arabi Channel.

On 05 September, the police general investigation bureau questioned Dr. Ahmed Sa'id Dahlan (57), a university lecturer from Khan Younis in the south of the Gaza Strip. He was charged of acting against the government and insulting Muslims.

On 09 September, Dr. Hasan Abu Jarad (58), a university lecturer from Beit Lahiah in the northern Gaza Strip, was questioned by the police general investigation bureau for criticizing the Gaza government and Hamas.

The Most significant violations in the West Bank were the following:

On 11 May, 'Omer Ahmed Abu 'Arqoub (24), a journalist and a producer at Rayah FM Radio from Wadi al-Shajnah village, south

of Dura in Hebron, south of the West Bank, was questioned by the police general investigation bureau about his work, his sources and the nature of “the Israeli Scenario” presented by him at al-Rayah FM.

On 21 May, The Preventive Security Service in Tulkarm in the north of the West Bank arrested 4 young activist affiliated with the People Party, claiming that that they wrote slogans against “the security coordination” in the 65th anniversary of al-Nakbah.

On 08 May June, Nizar Khalil Banat (34) from Hebron was beaten up by a group of persons when he went out of a conference held in Bethlehem, where he made an intervention criticizing the PA in the attendance of the National Economy Minister.

On 16 August, Palestinian Security Officers in Hebron prevented a group of journalists and local and international media workers from covering the dispersal of activists who organized a peaceful protest in the city in support with the Egyptian President, Mohammed Morsi.

On 23, Palestinian Security officers in al-Bireh committed violations against a number of journalists, who were trying to cover a peaceful assembly organized in the city in solidarity with the Syrian people and the current incidents in Egypt, using force against the activists.

RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

PCHR provides recommendations to the international community, hoping that the international community will take PCHR's recommendations into consideration and take effective steps to enforce international law:

1. PCHR emphasizes that the Israeli occupation of the Gaza Strip remains effective in its physical and legal forms in spite of the implementation of the Israel's unilateral Disengagement Plan, which is a form of redeployment of Israeli forces rather an end to occupation in the Gaza Strip. Accordingly, the legal status of the Gaza Strip has not changed, which obligates the international community and organizations to deal with the Gaza Strip as a part of the oPt.
2. PCHR calls upon States that apply the principle of universal jurisdiction and not to surrender to political pressure to limit universal jurisdiction, which would perpetuate the impunity enjoyed by suspected Israeli war criminals.
3. PCHR calls upon the European Union to activate Article 2 of the EU-Israel Association Agreement, which provides that both sides must respect human rights as a precondition for economic cooperation between the EU states and Israel. PCHR also calls upon all States to prohibit import of goods produced in illegal Israeli settlements in the OPT.
4. The international community must fulfill its legal obligation and ensure respect for the international law. Persons who are suspected of committing international crimes must be questioned and prosecuted, and Israel must

be held responsible for its internationally illegal acts.

5. Based on Resolution A/Res/64/10 adopted by the UN General Assembly in November 2009, the Swiss Government, the Depository of the Geneva Conventions, must call for a conference of the High Contracting Parties to the Fourth Geneva Convention to consider steps to enforce the Convention in the oPt, and take action to ensure Israel's compliance to the international humanitarian law.

6. PCHR calls for taking effective steps to stop collective punishment measures against Palestinian civilians, who are protected under international law, and to lift the strict closure imposed by Israel on the Gaza Strip since June 2006, and is still ongoing in 2013 in spite of Israeli claims of easing it.

7. PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their legal and moral obligations, including to ensure Israel's respect for the Convention in the oPt in accordance with Article 1. PCHR believes that the international silence towards grave breaches of the Convention perpetrated by Israeli forces in the oPt serves to encourage Israel to act as a state above law and results in the perpetration of more grave breaches.

8. PCHR demands the international community to assume its responsibilities with regard to the process of reconstruction in the Gaza Strip following Israel's offensives, including funding this process, and to pressurize Israel to open border crossings of the Gaza Strip to allow the entry of necessary construction materials.

9. PCHR calls upon that the High Contracting Parties to the Fourth Geneva Convention to search for and prosecute Israelis responsible for grave breaches, some of which have been defined as war crimes, as the Israeli judiciary does not prosecute them and even provides legal cover for these individuals.
10. PCHR calls for taking effective steps to dismantle the annexation wall being constructed inside the West Bank territory. PCHR particularly calls upon the United Nations to take measures that conform to the Advisory Opinion issued by the International Court of Justice, the highest international judicial body, in 2004, which considers the wall illegal.
11. PCHR calls upon the international community to stop the crime of settlement in the oPt, and call upon all international companies to stop all projects in Israeli settlements.
12. PCHR calls upon the international community to support efforts to achieve Palestinian national reconciliation by exerting political pressure on Hamas and Fatah to work towards reconciliation. The international community should accept the results of reconciliation, in order to avoid the recurrence of penal sanctions which were adopted by the international community against the first Palestinian national unity government.
13. PCHR reiterates that any political settlement not based on international human rights law and humanitarian law cannot lead to a peaceful and just solution of the Palestinian cause. Rather,

such settlement can only lead to further suffering and instability in the region. PCHR calls upon governments and civil society organizations to implement the international law at the Palestinian level.