



Enough Violation



Annual Report 2006

Palestinian Centre for Human Rights

The Centre is an independent Palestinian human rights organization based in Gaza City. The Centre enjoys Consultative Status with the ECOSOC of the United Nations. It is an affiliate of the International Commission of Jurists-Geneva, the International Federation for Human Rights (FIDH) - Paris, Euro-Mediterranean Human Rights Network - Copenhagen, Arab Organization for Human Rights - Cairo, and International Legal Assistance Consortium (ILAC) Stockholm. It is a recipient of the 1996 French Republic Award on Human Rights and the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights. The Centre was established in 1995 by a group of Palestinian lawyers and human rights activists in order to:

- Protect human rights and promote the rule of law in accordance with international standards.
- Create and develop democratic institutions and an active civil society, while promoting democratic culture within Palestinian society.
- Support all the efforts aimed at enabling the Palestinian people to exercise its inalienable rights in regard to self-determination and independence in accordance with international Law and UN resolutions.

The work of the Centre is conducted through documentation and investigation of human rights violations, provision of legal aid and counseling for both individuals and groups, and preparation of research articles relevant to such issues as the human rights situation and the rule of law.

The Centre also provides comments on Palestinian Draft Laws and urges the adoption of legislation that incorporates international human rights standards and basic democratic principles. To achieve its goals, the Centre has recruited a committed staff of well-known human rights lawyers and activists.

Summary

On 25 January 2006, Palestinian voters cast their ballots to elect their representatives in the second Palestinian Legislative Council (PLC) elections in the OPT since the establishment of the Palestinian National Authority (PNA) in 1994. The elections were transparent and fair, and were highly praised by both local and international observers. These elections were a key junction in Palestinian politics, which would have deep impacts on the Palestinian political regime and democratic reform in the PNA. These elections were another basic step in a series of steps taken by the Palestinian leadership following the death of the late Palestinian President Yasser Arafat in November 2004, including holding the second presidential election in January 2005 and holding partial elections for 265 local councils in the West Bank and the Gaza Strip. The elections renewed the legitimacy of the PLC, whose term ended in 1999 as established in the Israeli-Palestinian Interim Agreement, according to which the first general elections were held in January 1996. Most political parties boycotted the first PLC elections in 1996 for reasons that included the fact that they were purely majoritarian elections. However, all political parties except Islamic Jihad participated in the second elections. This participation stemmed out of the desire to participate in the decision-making process. The wide participation of national and Islamic parties affected the campaigning period, which was very competitive. The competition was extremely fierce between the

two main parties in the OPT: Hamas and Fatah. Election results showed a landslide victory for the Change and Reform Bloc (Hamas), as it obtained 74 out of the 132 seats in the PLC. This victory surprised observers and put an end for one decade of the control of one single party (Fatah movement) over the PLC and the government. On 18 March 2006, the new Palestinian government gained parliamentary confidence, marking the beginning of a new stage of Palestinian politics.

There were hopes that this positive development would be followed by other basic steps that would push forwards democratic reform following years of immobility, including the completion of elections of local councils, which started in late December 2004 and was supposed to be completed by the end of 2005. There were hopes also that developments related to the peaceful transition of authority, including holding the legislative elections, would constitute an internal power for the Palestinian people that would be used to serve their aspirations and struggle for liberation, independence, self-determination and the end of the 4-decade Israeli occupation.

However, the developments that followed the Palestinian legislative elections and the formation of the new Palestinian government have undermined steps and efforts made by the PNA in the past two years towards democratic reform, and have revealed the fact that the Israeli occupation of the OPT has been reinforced, especially in the Gaza Strip, where Israel claims that it ended its occupation with the implementation of the unilateral disengagement plan. In 2006, IOF escalated their attacks on Palestinian civilians, the elected

PLC and the new government. They arrested 10 cabinet ministers and 31 PLC members, including the Speaker. They also stopped the transfer of tax revenues to the PNA; tightened the siege imposed on the OPT; escalated attacks on Palestinian civilians and their property. Furthermore, the United States, European Union, Japan and Canada decided to suspend financial aid to the PNA, which marked the first time in history that sanctions were imposed on a people under occupation. At the internal level, the state of lawlessness seriously escalated in the OPT, especially in the Gaza Strip, which PCHR repeatedly warned of, in light of the PNA's failure to take effective measures to stop it. The major manifestation of the state of lawlessness was the political conflict between Fatah and Hamas movement, which escalated to fighting between armed wings of the two movements.

The record of violations of human rights and international humanitarian law in the OPT in 2006 has been the worst since 1967, both with regard to crimes committed by IOF against Palestinian civilians and property, and at the Palestinian internal situation, especially the escalation in the state of lawlessness and hindrances to democratic reform.

Israeli Violations of Human Rights & International Humanitarian Law

In 2006, IOF continued their attacks on Palestinian civilians and property throughout the OPT. These attacks included: willful killing; tightened closure; destruction of property; settlement expansion; and continued construction of the Annexation Wall inside the West Bank. These attacks seriously escalated, especially in the Gaza Strip, in the aftermath of an attack by the Palestinian resistance on an IOF military post to the east of Rafah.¹ Such escalation on the ground reveals the reality of the unilateral Israeli Disengagement Plan and proves PCHR's position first cited in a position paper it issued in 2004 that the plan is merely a form of redeployment of IOF around the Gaza Strip and does not end the occupation rather it reinforces it.² Since the armed attacks on the IOF military post in Rafah, IOF have committed a series of crimes in the Gaza Strip. These crimes have included wide scale invasions of Palestinian areas; destruction of the civilian infrastructure, including bridges and Gaza power plant, which provided 45% of the electricity used by the population; willful killings; extra-

¹ On 25 June 2006, the Palestinian resistance launched an armed attack on an IOF military post to the east of Rafah, during which two IOF soldiers were killed and a third one was captured.

² See 'Sharon's Gaza Redeployment Plan: A Denial of Human Rights, Not an End to Occupation', position paper, PCHR: 2004.

judicial executions; destruction of houses as a means of collective punishment against families of Palestinian Intifada activists; and the closure of all border crossings, including Rafah International Crossing Point on the Egyptian border.

Excessive Use of Force, Killings & Other Violations of the Right to Life

In 2006, IOF continued the use of excessive force, willful killing and violations of the right to life against the Palestinian civilian population in the OPT. According to investigations conducted by PCHR into hundreds of attacks launched by IOF, including killings, against Palestinian civilians in the OPT, such attacks were characterized by the excessive use of force indiscriminately and without any consideration to the lives of Palestinian civilians. The vast majority of Palestinians killed by IOF were killed in circumstances that did not include any threats to the lives of IOF soldiers. According to PCHR's documentation, in 2006, 647 Palestinians, including 119 children and 36 women were killed by IOF. In addition, 1700 Palestinians were wounded by IOF in the Gaza Strip alone. Thus, the number of Palestinians killed by IOF and settlers since the beginning of current Intifada in September 2000 has increased to 4025, including 3226 civilians. Of these civilians, 740 are children and 141 are women. In addition, tens of thousands of Palestinians, including at least 10000 in the Gaza Strip, have been wounded since September 2000. Hundreds of those wounded sustained permanent disabilities.

Extra-judicial executions constitute the most

blatant form of willful killing committed by IOF against Palestinian civilians, predetermined and approved by the Israeli political and judiciary establishments. In 2006, IOF escalated such attacks, using warplanes in the Gaza Strip and undercover unit in the West Bank. According to PCHR's documentation, in 2006, IOF carried out 48 extra-judicial execution attacks, in which 140 Palestinians were killed. Of those killed, 94 were targeted persons, and 46, including, 20 children, were non-targeted civilian bystanders. In addition, dozens of Palestinians were injured. Between 29 September 2000 and 31 December 2006, a total of 613 Palestinians (19% of the total number of Palestinians killed by Israeli forces in the same period) were killed in these attacks. Of those killed, 212, including 75 children, were non-targeted civilian bystanders.

In 2006, IOF escalated attacks on Palestinian medical personnel in the OPT. Palestinian paramedics were particularly subject to various kinds of attacks, including killing, beating, humiliation and restrictions on their movement. According to PCHR's documentation, in 2006, IOF killed 5 Palestinian medical personnel in the Gaza Strip and wounded a number of others.

House Demolitions

In 2006, IOF continued to demolish Palestinian houses in the OPT as a collective punishment against the Palestinian civilian population in violation of international humanitarian law. IOF continued to destroy houses in the Gaza Strip in spite of the IOF redeployment from the Gaza Strip as an implementation of the "Disengagement

Plan” in 2005, which further proves that the IOF withdrawal from the Gaza Strip was an illusion. Most house demolitions in the Gaza Strip took place in the second half of the year. According to PCHR’s documentation, in 2006, IOF demolished 810 houses in the Gaza Strip (205 completely and 605 partially). Most of those houses were demolished during wide scale incursion into Palestinian towns, villages and refugee camps.

Since the end of July 2006, IOF have adopted a new approach in house demolitions, through informing owners of targeted houses on their phones about the intention to demolish those houses a short time prior to the actual demolition. According to PCHR’s documentation, until the end of 2006, IOF destroyed 73 houses in the Gaza Strip using this method. Many neighboring houses were also severely damaged. PCHR believes that the bombardment of houses this way constitute a form of collective punishment.

In the West Bank, IOF have systematically demolished Palestinian houses. This policy has its clearest manifestation in occupied Arab Jerusalem where IOF have increasingly demolished houses since the signing of the Oslo Accords. In 2006, IOF demolished 116 houses and 65 civilian establishments in the West Bank, including 17 houses and 13 civilian establishments located near the Annexation Wall.

Torture & Ill-Treatment of Palestinian Detainees

By the end of 2006, at least 11,000 Palestinians, including 383 children and 114 women, were still in Israeli custody in detention facilities mostly

inside Israel, in violation of article 76 of the Fourth Geneva Convention which obligates the occupying power to hold residents arrested inside occupied territory within that territory. Also by the end of 2006, at least 750 of these Palestinians were still in custody without any charge under administrative detention orders issued by IOF. In 2006, IOF arrested at least 3500 Palestinians, including 115 in the Gaza Strip. In addition, arrest campaigns also targeted political leaders and representatives of the Palestinian people, which demonstrated Israel's disregard for the will of the Palestinian people personalized in their political leaders and members of their legislature. On 14 March 2006, IOF stormed the Jericho Prison, in which Ahmad Saadat, the Secretary-General of the PFLP and the elected member of the Palestinian Legislative Council (PLC), a number of PFLP activists charged with assassinating Rehavam Ze'vi (Israeli ex-Minister of Tourism), and General Fuad El-Shobaki, a member of the Fatah Revolutionary Council who is charged with smuggling the 'Karin A' arms shipment, were detained. In June and July, IOF arrested 31 PLC members and 10 cabinet ministers, including 8 who are also PLC members, including the Speaker of the PLC, Second Deputy Speaker of the PLC and the Deputy Prime Minister.

In most cases, Palestinian detainees are subjected to cruel, inhuman and degrading treatment, including physical torture, deprivation of sleep, denial of appropriate medical care, deprivation of family visitation and denial of access to legal counsel. Torture methods used against Palestinian detainees include: Blindfolding and hitting a detainee, especially on the face and the abdomen;

strangling a detainee in a way that causes extreme difficulties in breathing; insulting a detainee and swearing on God; forcibly removing the hair of the beard; hanging a detainee with his feet up and face down, and hitting him on sensitive parts of the body, such as the testicles; bridging – a method in which 3 interrogators carry a detainee using chains, with his face down, which, in one case, led a detainee to urinate blood; sexually abusing detainees, and raping them in some cases using iron bars; shabeh³ for long periods that sometimes amount to 48 hours; tightened handcuffing; tying the hands and legs with plastic chains that cause severe pains; sleep deprivation for long hours; incommunicado detention; compulsory standing for long hours; and insulting.

In another attempt to overcome international legal standards in order to justify continued detention of Palestinian prisoners following the IOF redeployment from the Gaza Strip in September 2005, Israel adapted the concept of “illegitimate combatant” to describe Palestinian prisoners who are in fact civilian persons protected under the Fourth Geneva Convention, and consequently justify their detention in accordance with a special law called “Illegitimate Combatants” issued in 2002. According to this law, the IOF Chief of Staff has the authority to issue an arrest warrant against a person if there is a basis to assume that such person is “an illegitimate combatant.”

In an additional attempt to exempt the Israeli government of their responsibilities, under inter-

³ Shabeh entails shackling the detainee's hands and legs to a small chair, angled to slant forward so that the detainee cannot sit in a stable position.

national law, for Palestinian detainees, on 27 June 2006, the Israeli parliamentary Constitution, Law and Justice Committee approved and forwarded the law concerning the detention of persons suspected of security offences that allows court deliberations on the extension of the detention of a security suspect to be held in absentia to the Knesset plenum for the second and third reading. The law which grants the Head of the Interrogation Section of the GSS the authority to make the decision concerning the extension of a person's interrogation without judicial oversight to 96 hours instead of 24 as in the past. The Bill also proposes to stop suspects from seeing legal representatives for 50 days, as opposed to the current 21 days. This unwarranted authority, along with other provisions of the law, may increase the risk that security detainees will be subjected to illegal methods of interrogation, including torture.

Ongoing Policy of Total Closure & Violation of the Right to Freedom of Movement

In 2006, IOF continued to impose a total closure on the OPT. Even though, the Israeli-Palestinian [US-brokered] Border Agreement entered into force on 25 November 2005, IOF imposed additional restrictions on the movement of Palestinian civilians and goods to and from the West Bank and the Gaza Strip. They continued to close border crossings, or at best imposing severe restrictions on the movement through them, especially Rafah International Crossing Point on the Egyptian border and al-Karama International Crossing Point on the Jordanian border, isolating the Palestinian civilian population from the outside world. Since 25 June 2006, IOF have escalated restric-

tions imposed on the movement of the Palestinian civilian population. From that date until the end of 2006, Rafah International Crossing Point had been closed completely for 160 days and was been partially reopened for 30 days only.

In 2006, IOF imposed restrictions at border crossings between the OPT and Israel, preventing hundreds of Palestinian patients from receiving medical care in the West Bank, including occupied Jerusalem, students from the Gaza Strip from attending their universities in the West Bank, and worshippers from reaching religious sites in Jerusalem, Bethlehem and Hebron.

In the West Bank, IOF have imposed more severe restrictions on the internal movement of Palestinian civilians through 528 checkpoints and barriers established at the entrances of Palestinian communities and on the main roads.

IOF have continued to restrict access to occupied East Jerusalem for residents of the West Bank and the Gaza Strip. On 4 April 2006, IOF started to operate Qalandya checkpoint between East Jerusalem Ramallah as a border crossing between the West Bank and Israel.

The total siege imposed by IOF on the OPT, together with the international financial boycott imposed on the Palestinian government, have left disastrous impacts on the humanitarian situation and has violated the economic and social rights of the Palestinian civilian population, particularly the rights to appropriate living conditions, health and education. It has also paralyzed most economic sectors. As a consequence of the total closure

imposed on the OPT, unemployment has mounted to 40% and the level of poverty has increased to 64%; in the Gaza Strip, poverty has mounted to 73%. In the first three years of the current Palestinian Intifada, the per capita individual income decreased by 32%, and by 40% in subsequent years.

Ongoing Policy of Total Closure and Violation of the Right to Freedom of Movement

In 2006, Israeli settlement activities continued throughout the OPT to create new facts on the ground. They continued to establish new settlements, expand existing ones and establish bypass roads on Palestinian land. On 13 March 2006, the Israeli television channel 2 reported that IOF started to establish a police station as part of the settlement project known as "E1" plan, which links "Ma'ale Adomim" settlement bloc with East Jerusalem. The plan includes constructing 3500 housing units for settlers by annexing Palestinian lands in east Jerusalem area and separating the Palestinian territories by blocking any geographical contiguity. On 21 September 2006, the Israeli daily Ma'ariv reported that the Israeli Ministry of Housing published an invitation for bids to construct 164 housing units in settlements in the West Bank: "Ariel"; "Alfeh Menasheh"; and "Kerni Shomron."

Furthermore, for the purpose of settlement expansion, IOF confiscated and razed more areas of Palestinian land to establish roads for settlers, expand existing settlements and establish military observations facilities, especially near military checkpoints. IOF also demolished more houses

and civilian facilities for the same purpose.

In 2006, Israeli settler attacks against Palestinian civilians and property continued. Such attacks included shootings, running down civilians with vehicles and destruction of or damage to civilian property. In 2006, a Palestinian civilian and a number of others were wounded by Israeli settlers in the OPT. This brings the number of Palestinian civilians killed by Israeli settlers to 36, including 9 children, since the beginning of the current Intifada in September 2000. In 2006, PCHR documented 100 attacks by Israeli settlers: 75% in Hebron; 10% in Nablus; 6% in Qalqilya; 5% in Bethlehem; and 2% in Jenin and Jericho. These attacks included: shooting; running down; attacks on houses; attacks on schools and students; attacks on religious sites; attacks on farmers and shepherds; and other attacks.

Annexation Wall in the West Bank

IOF have continued to construct the Annexation Wall inside the occupied West Bank in violation of international humanitarian law and the Advisory Opinion issued by the International Court of Justice in Hague on 9 July 2004. In 2006, the construction was mainly focused around occupied Jerusalem, in spite of the petitions submitted to courts by Palestinian civilians living in villages located around the city, whose properties were destroyed or confiscated. IOF also continued to construct sections of the wall in other Palestinian districts, especially Bethlehem and Hebron, and near large settlements, such as "Ariel" near Nablus, and those of a military nature, such as "Shavi Shomron" also near Nablus.

Contrary to Israeli security claims regarding the purpose of the construction of the Wall, the then acting Israeli Prime Minister Ehud Olmert said in interviews published on 10 March 2006, that Israel plans to impose a border on the West Bank. He further said that by 2010, “no Israeli settlers will be on the eastern side of the Wall.” This statement is the first by an Israeli senior official admitting that the final goal of the Wall supposedly being constructed by Israel to prevent attacks against Israeli civilians is to draw the final borders of Israel. Olmert asserted to the Israeli daily Maariv that Jerusalem would remain united, major settlement blocs in the West Bank would continue to exist and expand, and in the end, Israel would be completely separate from the majority of Palestinians.

PCHR has emphasized since Israel started to construct the Annexation Wall in the West Bank that the Wall represents the most recent and blatant form of the Israeli policy of territorial expansion. It also violates international humanitarian law in that it effectively disrupts the geographical contiguity of the West Bank, and, more dangerously, annex occupied Palestinian territories to Israel. Moreover, the methods used by IOF in the construction of the Wall violates international human rights law and international humanitarian law, particularly the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War whose article 147 prohibits extensive destruction and appropriation of property.

Impunity

Denial of justice for Palestinian civilians is deeply

rooted in the Israeli judicial system in general; and the military judiciary in particular. IOF rarely investigate attacks on Palestinian civilians, and often deny responsibility for them. One of the significant examples that prove the non-seriousness of investigations in cases of killing or injuring civilians in the OPT by IOF was the case of the Ghalia family in the Gaza Strip. On 9 June 2006, an Israeli gunboat stationed off the coast of Beit Lahya fired seven successive artillery shells at civilians on the beach in the Waha area, north of Beit Lahia. Seven civilians from the same family (father, mother and five children) were killed. IOF claimed that "it was likely the blast stemmed from a bomb placed by the Palestinians at the site or some form of unexploded ordnance." The conclusions of the IOF probe were completely contrary to conclusions of the investigations conducted by PCHR, which proved that members of the Ghalia family were killed by the IOF shelling. They are also contrary to investigations conducted by Human Rights Watch, which asserted that "the size of the craters and the type of injuries to the victims are not consistent with the theory that a mine caused the explosion" and that "Israeli artillery fire was to blame."

Through our long experience, PCHR has concluded that the Israeli judiciary is used to provide legal cover for IOF to commit war crimes against Palestinian civilians, and that it is a means used to avoid resorting to the international justice directly under the pretext of the existence of a just Israeli national judiciary.

In light of these facts, and following the exhaustion of national legal means (in this case the Israeli

ones), PCHR, in cooperation with a number of international legal and human rights organizations, has resorted to international legal means to prosecute Israeli war criminals. In 2006, PCHR, in cooperation with Hickman & Rose Solicitors – UK, built a legal file on Moshe Ya’alon is a 56- year-old Israeli national who was Chief of Staff of the Israeli military from 9 July 2002 to 1 June 2005, answerable directly to the Prime Minister. Moshe Ya’alon was spared arrest or any proper prosecution process in New Zealand on 28 November 2006. PCHR, on behalf of the Palestinian victims, was dismayed that Moshe Ya’alon evaded justice in New Zealand, especially as it was not the first time an Israeli war criminal evaded justice. PCHR is concerned that the success of those war criminals in evading justice is an indicator that political considerations are often placed above justice. However, PCHR will continue its efforts, together with other attorneys, to prosecute war criminals before other national jurisdictions.

Palestinian Violations of Human Rights & Obstacles to Democratic Reforms

At the Palestinian level, in spite of the notable development in the process of democratic reform, including holding the legislative elections, [which were described by all observers, including PCHR, as fair and transparent] this process faced many obstructions and more human rights violations were recorded, especially in light of the deterioration of the internal security situation and the proliferation and misuse of weapons, which impacted the rule of law.

The second PLC elections constituted an important, substantial step towards democratic reforms in Palestine. Instead of encouraging these important democratic reforms, the international community and Israel subjected the Palestinian people to an organized campaign of diplomatic and economic sanctions. The sanctions included, inter alia, a boycott on the new Hamas-led Palestinian government that was formed constitutionally in March 2006; and stopping aid to the Palestinian government, which led to economic deterioration and escalating poverty in the OPT. In addition, the Israeli government stopped the transfer of Palestinian tax revenues collected from Palestinian businesses and workers in Israel to the Palestinian government. The level of humanitarian services provided by the PNA declined, including health, educational, and

social services. As a result, frustration, tension and stress increased among Palestinians.

Continuation of Security Chaos & Proliferation of Arms

The internal Palestinian situation seriously deteriorated. The year 2006 has been the worst since the beginning of the current Intifada with regard to the state of lawlessness and proliferation of weapons in the OPT. The political struggle between Fatah and Hamas and the division of the Executive between the Presidency and Government negatively affected the internal Palestinian situation. This conflict escalated into bloody clashes between the armed wings of two movements and the divided security forces. These clashes were an extension of the state of lawlessness plaguing the OPT and include manifestations of such transgressions on the rule of law, vigilante justice, and preference of the rule of the jungle over the rule of law. According to PCHR's documentation, 296 Palestinians were killed in incidents of security chaos during the year 2006. This includes 235 killed in the Gaza Strip and 61 killed in the West Bank. The victims included 34 children and 31 women. In addition, 1,538 Palestinians were injured, including 220 children and 66 women.

The year 2006 has been the worst year in terms of clashes between security forces and/or armed groups. The year witnessed a series of armed clashes between different security branches, and clashes between security forces and their affiliates against armed groups from Hamas or Fatah. These clashes resulted in the deaths of 71 Palestinians, including 5 children and 2 women. Another 708

Palestinians were injured, including 69 children and 18 women. The tension in the OPT, especially the Gaza Strip, was not manifested in armed clashes only, but included attacks on institutions of the sides involved and mutual kidnappings between parties. Most abductees were released by mediators; however some abductees were killed or tortured.

Several international organizations came under attack and a number of internationals were kidnapped by armed Palestinian groups during 2006. These attacks were a component of the security chaos plaguing the OPT over the past few years due to the negligence of the PNA security forces in imposing order, investigating such crimes, and prosecuting the perpetrators. According to PCHR's documentation, 13 international organizations (such as the UN and Red Cross) came under attack in 2006. The attacks included gunfire, arson, theft, and destruction of property. In addition, armed groups kidnapped 25 international relief workers and journalists. All abductees were released without harm after a few hours or days. It is noted that in all cases no legal action was taken against the perpetrators of these crimes despite the fact that their identities were known to security forces.

The bloody clashes between security forces and armed groups, and the uncontrolled proliferation of arms among the population encouraged people to take the law into their own hands by force. This was clearly reflected in clan and personal clashes where weapons were frequently used. These armed clashes resulted in the killing of 88 people, including 4 children and 5 women. Another 307 people were injured, including 51 children and 17 women.

In 2006, 107 Palestinians, including 25 children and 10 women, were killed in incidents categorized as “misuse of weapons by armed groups and security personnel.” In addition, 310 people, including 98 children and 27 women, were injured in these incidents. Most of the victims died due to accidents by Palestinian resistance factions in storing explosives or firing rockets from populated areas, or from near them. PCHR condemns such use of arms in or being fired at civilian areas, both inside the OPT and Israel. In addition, victims fell by incidents of mishandling and misusing weapons by security personnel, armed people, or ordinary people.

The year 2006 witnessed an increase in extra-judicial killing by Palestinian armed groups of suspected collaborators with Israeli security services. During the year, PCHR documented 9 deaths, including 2 women.

In 2006, 14 Palestinians were killed in incidents motivated by “honor.” The victims were 12 women and 2 men.

PLC: Between Renewal of Democratic Legitimacy and Weak Performance

The year 2006 witnessed one of the most important democratic reforms in Palestine. The Palestinian people succeeded in organizing the second parliamentary elections. These elections rejuvenated the PLC, whose mandate ended in May 1999 (according to the Israeli-Palestinian interim agreements and the elections law for the year 1995).

The situation in the OPT negatively affected

the performance of the PLC, particularly as IOF imposed severe restrictions on the movement of PLC members, especially those of the Hamas majority. IOF arrested 31 PLC members, including the Speaker. IOF also arrested 10 Cabinet Ministers, 8 of them are also PLC members. These arrests took place during the period June – August 2006. These IOF actions came in the context of reprisals and collective punishment against Palestinian civilians in the aftermath of an armed attack by the Palestinian resistance on an IOF military post in Karm Abu Salem area to the east of Rafah on 25 June 2006, in which two IOF soldiers were killed and a third one was captured.

The detention of the PLC Speaker, Secretary-General, and many Hamas PLC members coupled with restrictions of movement of other members inside the West Bank and between the Gaza Strip and West Bank led to the deterioration of the PLC's activities on the monitoring and legislative fronts.

The Judiciary: Continued Efforts by the Executive to Dominate the Judiciary

The year 2006 witnessed additional efforts by the Executive to intervene into matters of Palestinian judiciary in a way that undermines its independence and power. Furthermore, the strike by public servants in the OPT has had negative effects on the Palestinian judicial system. The previous PLC, in its closing session on 13 February 2006, approved the President's amendments on the Higher Constitutional Court Law. After the closing session of 13 February 2006, the President issued a number of decisions pertaining to amendments of the judicial authority. In contravention with the law, these decisions were

not submitted to the PLC for discussion.

The year 2006 witnessed significant deterioration in the Palestinian judicial system. After the summer recess, courts went on strike from September to December 2006. The strike was motivated by the non-payment of salaries by the PNA. Work was resumed in the beginning of December. The strike suspended work in courts throughout the OPT. As a result, the judicial process was suspended in 50,000 cases in these courts, including 6,000 criminal and serious cases. Only emergency cases were considered, such as releasing prisoners or extending their detention.

Death Penalty

The year 2006 witnessed positive developments pertaining to the death penalty under the PNA. Palestinian courts did not issue any death sentences throughout the year. This is an unprecedented development as all the previous years (1994-2005) in the PNA's history witnessed issuance of death sentences or their implementation. It is noted that the total of death sentences passed from 1994-2005 was 76 sentences against Palestinians convicted with crimes and national security offenses. Twelve sentences were implemented during that time span. Despite these positive developments in 2006, PCHR remains concerned over the fact that the death penalty remains institutionalized in the PNA's legislation and legal procedures. PCHR views the remaining existence of the death penalty in legislation and procedures as an open door towards resuming death sentences and their implementation, enabling the PNA to violate the right to life.

Continued Violations of the Right to Freedom of Expression & Right to Peaceful Assembly

Despite maintaining the legal status quo on freedom of expression during the year, there has been a change in the parties that perpetrate violations of freedom of expression and peaceful assembly. On the one hand, the year witnessed a decline in the number of violations perpetrated by official bodies due to a general weakening of the PNA, which has persisted since the beginning of the al-Aqsa Intifada in 2000. On the other hand, there has been an escalation in such violations by unofficial parties, encouraged by the failure of the Attorney-General to investigate these crimes and prosecute their perpetrators. The year witnessed a continuation of violations of freedom of expression in the OPT. However, the year was distinguished because of the decline in such violations by official parties. In addition, it is noted that attacks on journalists were the most striking form of violation by unofficial parties. According to PCHR's documentation, 8 journalists, including 6 internationals, were abducted by armed Palestinian groups.

The year 2006 witnessed dozens of public meetings, demonstrations, and sit-ins throughout the OPT. Most of them did not adhere to the conditions set in the Executive Bill of the law governing such actions, noting PCHR's reservations over this bill. Some of these demonstrations witnessed violations by their organizers and participants who did not act peacefully, and attacked public and private institutions. In some incidents, attacks were perpetrated against international organizations working in the OPT.

Recommendations

This section details PCHR's recommendations to the international community and the PNA. PCHR hopes that the international community will take PCHR's recommendations into consideration and take effective steps to enforce international law. PCHR also hopes that the PNA will work towards realizing these recommendations in the context of its responsibilities.

Recommendations to the International Community

PCHR calls upon the international community, including the High Contracting Parties to the Fourth Geneva Convention, to:

1. PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their legal 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 IOF in the OPT serves to encourage Israel to act as a state above law and results in the perpetration of more grave breaches.
2. PCHR reminds the international community and the High Contracting Parties to the Fourth Geneva Convention that the Israeli occupation of the Gaza Strip remains effective in its physical and legal forms in spite of the implementation of the Disengagement Plan, which is a form of redeployment of IOF rather than an end to occupation in the Gaza Strip.
3. PCHR believes that the High Contracting Parties are responsible for searching for and prosecut-

ing Israelis responsible for grave breaches, some of which have been defined as war crimes, as the Israeli judiciary does not prosecute them and even provided legal cover for these individuals in many cases.

4. PCHR calls upon international civil society organizations, including human rights organizations, bar associations and solidarity groups, to lobby for governmental action in respect of bringing Israelis responsible for the violations of international law to justice.
5. PCHR calls upon the international community to take 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 conforms to the Advisory Opinion issued by the International Court of Justice, the highest international judicial body, in 2004, which considers the Wall illegal.
6. 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.
7. As Israel and its occupation forces have continued to impose severe restrictions on access of international solidarity groups to the OPT and Israel, PCHR calls for ensuring the freedom of movement of international delegations visiting the OPT similar to the freedom enjoyed by Israeli citizens abroad or for Israeli citizens to be given the same treatment abroad as EU citizens are given in Israel and the OPT.

8. 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 a 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.

Recommendations to the PNA

1. PCHR calls for enhancing the peaceful transition of authority in the PNA in accordance with result of the legislative elections, and calls upon the President and the Government to assume their constitutional authorities in accordance with the Basic Law.
2. PCHR calls for stopping the political conflict, which is manifested in the crisis between the President and the Government on one hand and the internal fighting between Fatah and Hamas movements on the other hand.
3. PCHR calls for uniting and restructuring Palestinian security services on professional foundations that can ensure their political neutrality to be out of any partisan conflicts.
4. PCHR calls for taking effective measures to enhance the rule of law, end the state of lawlessness and investigate relevant crimes, including the kidnappings of internationals, and bring their perpetrators to justice.
5. PCHR calls for ensuring for the independence of the judiciary including through enforcement of court rulings, for a presidential decree to be issued to actually abolish State Security Courts, as the decision taken by the Palestinian Minister

of Justice in July 2003 abolishing these courts has not been sufficient.

- 6.PCHR calls for abstaining from implementing death sentences and abolishing the death penalty in the Palestinian legislation.
- 7.PCHR calls for holding elections for the remaining local councils as soon as possible, and concluding a formula acceptable to all concerned political factions to repeat elections of the local councils of Rafah, al-Boreij and Beit Lahia. PCHR suggests repeating the whole elections in these communities in accordance with the new law, according to which the third and fourth stages of local elections were held.
- 8.PCHR calls upon the PNA to adhere to international human rights standards and make sure that all measures it takes conform to international human rights standards and respect basic rights of citizens.
- 9.PCHR calls for judicial monitoring of prisons and detention facilities to ensure an end to illegal arrests.
- 10.PCHR calls for ensuring the right to freedom of expression, reconsidering related laws, including the Press Law of 1995, and enacting a law to organize the work of private televisions and radios.

