

Annual Report 2007



Palestinian Centre for Human Rights

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## 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 Nation. It is an affiliate of the International Commission of Jurists-Geneva; the International Federation for Human Rights (FIDH) - Paris; member of the Euro-Mediterranean Human Rights Network - Copenhagen; member of the International Legal Assistance Consortium (ILAC) - Stockholm; member of the Arab Organization for Human Rights - Cairo; and member of the World Coalition against the Death Penalty - Rome. It is a recipient of the 1996 French Republic Award on Human Rights, the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights and the 2003 International Service Human Rights Award (UNAIS). 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 rel-

evant 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

The deterioration in human rights situation in the OPT has never peaked as it was in 2007, the year which marks the 40<sup>th</sup> anniversary of the Israeli occupation that began in 1967, and the 59<sup>th</sup> anniversary of the Palestinian Nakba (the uprooting of the Palestinian people from their land in 1948). The year 2007 has been the worst with regard to violations of human rights and international humanitarian law since the beginning of the Israeli occupation.

The human rights situation in 2007 can never be separated from the developments that have taken place since the Palestinian legislative elections that took place in January 2006, in which Hamas won the majority of seats in the Palestinian Legislative Council, and the measures that have followed to undermine the results of those elections. Since that time, 3 main factors have contributed to further deterioration to the human rights situation, in the context of pressure exerted on the Hamas-led government. The first factor was escalating violations of human rights and international humanitarian law, which amounted some times to war crimes, perpetrated by IOF against Palestinian civilians, the Hamas-led government and the elected Palestinian Legislative Council. Measures taken by IOF started with imposing additional restrictions on the freedom of movement; suspending the transfer of tax revenues on Palestinian imports gathered by Israel on behalf of the PNA. Such measures escalated following an armed attack by the Palestinian resistance against an IOF military post to the east of Rafah in June 2006. IOF took a series of retaliatory measures

against Palestinian civilians, including tightening the siege imposed on the Gaza Strip, especially closing Rafah International Crossing Point (the sole outlet of the Gaza Strip to the outside world. IOF also attacked the Palestinian civilian infrastructure in the Gaza Strip, including the Gaza Electricity Generation Plant and bridges. They also arrested 10 Palestinian ministers and 31 members of the Palestinian Legislative Council, including its Speaker.

The second factor was the suspension of financial aids to the PNA by the United States, European Union, Japan and Canada, which constituted a precedent in imposing international sanctions of people who are under occupation subjected to continuous violations of human rights. This measure demonstrates duality in standards, as the demand by human rights organizations for imposing sanctions on Israel has been constantly faced by the claim that such sanctions would impacts Israeli civilians. Today, the same parties are imposing sanctions on the PNA with want taking into consideration their impacts on Palestinian civilians, who are protected under international humanitarian law. The suspension of financial aides and the stoppage of transfer of tax revenues dried financial resources of the Hamas-led government, whose main interest became finding money to pay the salaries of public employees. Although the Hamas-led government was able to find alternative sources of funding, but this process was disrupted by US pressure on international and Arab banks that were transferring such money. The financial siege seriously impacted the public services. Public employees, especially in the Ministries of Education and Health and municipalities suspended their

work and organized strikes in protest of not receiving their salaries. Development projects funded by international donors, including infrastructure projects such as roads, schools, housing projects and sewage network, were completely halted. The Israeli measures and the international boycott caused further deterioration to the human rights situation, and the humanitarian conditions in the Gaza Strip in particular seriously deteriorated as poverty and unemployment sharply increased.

The third factor was the deterioration in the internal security situation and the escalating state of lawlessness in the PNA controlled areas, especially in the Gaza Strip. The state of lawlessness witnessed a serious development starting from April 2006 demonstrated in bloody fighting between Fatah and Hamas movements, which has been a reflection of the political division in the Palestinian political system and the conflict over security and political powers. This conflict caused further deterioration to the human rights situation and paralyzed services provided by public institutions.

These factors seriously mingled in 2007, which caused yet further deterioration to the human rights situation. While the bloody fighting between Fatah and Hamas movements and the internal situation overwhelmed the scene in 2007, especially following Hamas' takeover of the Gaza Strip and subsequent developments that impacts that components of the Palestinian political system, IOF escalated violations of human rights throughout the OPT, especially the Gaza Strip, which was transformed by the tightened siege imposed on it into a bog jail.

At the internal level, the year 2007 started with a new round of bloody fighting between Fatah and Hamas movements, which continued for several days. That round of fighting was followed by a number of rounds of fighting in following weeks, which took the lives of dozens of Palestinians and wounded hundreds of others, including some civilians who were not involved in the fighting. Many hopes were associated with the Saudi-brokered Mecca Agreement of 8 February 2007, which was followed by the formation of a national coalition government, but such hopes soon diminished. On one hand, the fighting between the two movements was resumed, and on the other hand, the agreement was not acceptable to Israel, whose occupation forces continued their violations of human rights, including the siege imposed on the OPT, the detention of at least 40 members of the Palestinian Legislative Council affiliated to Hamas, and the denial of transfer of tax revenues to the newly formed government. Additionally, the international boycott continued and donor countries refused to resume financial aids to the PNA.

The actual interpretation of these factors was continuous deterioration in the internal situation and the escalation of the fighting between Fatah and Hamas movements and other aspects of the state of lawlessness. On 7 June 2007, a new stage of the Palestinian internal fighting in the Gaza Strip between the armed wings of Fatah and Hamas movements started. This time, the 'Izzidin al-Qassam Brigades (the armed wing of Hamas) launched systematic attacks against headquarters and sites of Palestinian security services throughout the Gaza Strip. The fighting ended with Hamas' takeover of all headquarters and sites of security services, and

consequently, the whole Gaza Strip on 14 June 2007. This round of fighting took the lives of 161 Palestinians, including 41 civilians. This figure includes 7 children and 11 women. Additionally, at least 700 Palestinians were wounded, many of whom sustained permanent disabilities.

PCHR conducted a comprehensive investigation into these incidents, collated affidavits from eyewitnesses and victims and issued a comprehensive report in October 2007. According to PCHR's documentation, the two parties of the conflict perpetrated grave breaches of the provisions of international law concerning internal armed conflicts, especially common article 3 of the Geneva Conventions of 1949. The fighting included: extra-judicial and willful killings of combatants who laid down their arms; killing a number of wounded persons inside hospitals; abduction and torture; using houses and apartment buildings in the fighting, endangering the lives of civilians; obstruction of access of medical and civil defense crews to areas of clashes.<sup>1</sup>

As Hamas took over security headquarters and sites and has seized complete control over the Gaza Strip, Palestinian President Mahoud Abbas issued 3 decrees on 14 June, dismissing Prime Minister Ismail Haniya; declaring a state of emergency in all PNA controlled areas; and forming a government to enforce the state of emergency. On 17 June, President Abbas issued another two decrees, one suspending the enforcement of articles 65, 66 and 67 of the Basic Law (the tempo-

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<sup>1</sup> For more details, see PCHR's "Black Pages in the Absence of Justice: Report on Bloody Fighting in the Gaza Strip from 7 to 14 June 2007," which is available to PCHR's web site.

rary constitution of the PNA), and the other one outlawing the Executive Force (formed by the Ministry of Interior in 2006) and Hamas' militias "because of their insurrection against the Palestinian legitimacy and its institutions..." A number of additional decisions were also taken, including stopping activities of the police, the Attorney General and prosecutors in the Gaza Strip, which seriously impacted the judicial system and threatened the interests of people.

Parallel to the incidents in Gaza, supporters of Fatah movement in the West Bank carried out a series of retaliatory attacks against members, supporters and institutions of Hamas. Such attacks targeted health and cultural associations, charities, press offices, television and radio stations, sports clubs and some local councils, which have been run by Hamas following local elections. According to PCHR's documentation, at least 50 public and private institutions were attacked; 3 persons, including a child, were killed; and at least 60 persons were kidnapped in the period 13-17 June 2007.

PCHR condemned using military means to show down the conflict between Hamas and Fatah movements, particularly the decision to show down the conflict militarily and the takeover of Palestinian security headquarters and sites in the Gaza Strip by the 'Izziddin al-Qassam Brigades (the armed wing of Hamas). Although PCHR is aware of the legitimacy of the government and its right to fully have its constitutional powers, and conscious of the security problems that preceded and the urgent need to reform the security establishment, there is no justification for the employment of 'Izzid-

din al-Qassam Brigades in the military showdown and takeover of the security establishment as this does not serve in any means the calls for reforming the security establishment.

At the same time, PCHR asserted that steps taken by President Mahmoud Abbas in response violate the Basic Law and undermines it in a manner that is not less dangerous than what is happening in Gaza. The President has the right to declare a state of emergency and to dissolve the government in accordance with Chapter 7 of the Basic Law, but according to the Law, the dissolved government shall serve as an acting government until the formation of a new government that must be approved by the Palestinian Legislative Council, and the President does not have the authority to dissolve or interrupt the work of the Palestinian Legislative Council during the period of emergency. PCHR further emphasized that the Basic Law is superior to all laws, from which all powers, including those of the President and Prime Minister, are derived, and it must not be undermined or suspended in all circumstances. PCHR warned that steps taken by the President are likely to complicate the crisis rather than solving it. They would even lead to further isolation of the Gaza Strip and take its 1.5-million population to the unknown, subjecting them to international sanctions. There were also concerns of a *de facto* political situation, in which the Gaza Strip might be cut from the rest of the OPT. PCHR also reiterated its position that the crisis in the PNA is a political rather than a constitutional or legal one. So, there is no alternative to dialogue based on real partnership, respect for the results of the legislative elections that were held in January 2006, and putting the interests of

the Palestinian people above all narrow factional interests of the conflicting parties.<sup>2</sup>

With the incidents of June and subsequent developments, a new stage of internal Palestinian conflict and divisions started. Over the months that followed division was being reinforced between the Gaza Strip, which fell under the control of Hamas and the dismissed government, and the West Bank controlled by the Palestinian President and the Emergency enforcement government, which was followed by another government that did not gain confidence from the Palestinian Legislative Council. Thus, the Palestinian executive was divided into two governments in Gaza and Ramallah. This division soon impacted other components of the Palestinian political, namely the legislature and the judiciary, through measures taken by the two sides, which negatively affected all aspects of life in the OPT. Such developments were accompanied by violations of human rights perpetrated by Palestinian parties. The period that followed the incidents of June was characterized by assaults by the two sides, each under its jurisdiction, against public freedoms and human rights.

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In 2007, IOF escalated in an unprecedented manner violations of international humanitarian law and human rights law in the OPT, some of which mounted to war crimes. Although each year of the Israeli occupation

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<sup>2</sup> For more about PCHR's position towards the incidents of June, see PCHR's press release "No Alternative to Political Dialogue: PCHR's Position towards the Current Crisis in the Gaza Strip and the Palestinian National Authority" issued on 17 June 2007.

has been characterized by human rights violations, such violations have notably escalated in the past two years, namely since the Palestinian legislative elections in January 2006 and subsequent developments. Israel responded to the internal fighting of June with more violations of human rights and measures of collective punishment against Palestinian civilians, especially in the Gaza Strip. IOF have since closed all border crossings of the Gaza Strip, including Rafah International Crossing Point on the Palestinian-Egyptian border, which has been the sole outlet for the Gaza Strip to the outside world. On 19 September 2007, Israel declared the Gaza Strip as “a hostile entity” as a prelude for more measures of collective punishment against Palestinian civilians. IOF have committed a series of crimes in the Gaza Strip. These crimes have included; willful killings; extra-judicial executions; settlement activities; land confiscations; construction of the Annexation Wall; illegal arrests; and restrictions on the movement of Palestinian civilians throughout the OPT.

PCHR’s investigations in most of such crimes, based on eyewitnesses’ testimony and evidence, demonstrate that IOF used excessive and disproportionate force against Palestinian civilians, who are protected under international humanitarian law, and did not committed to the principles of discrimination between civil and military targets. There is evidence also that IOF perpetrated acts of retaliation against Palestinian civilians. This explains the high number of casualties among Palestinian civilians in 2007. The vast majority of Palestinians civilians killed by IOF were killed in circumstances that did not include any threats to the lives of IOF soldiers, such as sniping at times of complete quiet; bombardment

of houses, civilian facilities and vehicles; extra-judicial executions; or during incursions into Palestinian communities. A number of civilians were also killed by Israeli settlers.

According to PCHR's documentation, in 2007, 394 Palestinians, including 253 civilians, were killed by IOF.<sup>3</sup> The number of civilians includes 51 children and 4 women. In addition, at least 650 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 4,419, including 3,479 civilians. Of these civilians, 811 are children and 145 are women. In addition, tens of thousands of Palestinians, including at least 10,650 ones in the Gaza Strip, have been wounded since September 2000. Hundreds of those wounded have sustained permanent disabilities.

In the Gaza Strip in particular, IOF continued to commit crimes against Palestinian civilians. They escalated air strikes, incursions into Palestinian communities and extra-judicial executions. They claimed that they were mainly targeting those who launch home-made rockets at Israeli towns close to the Gaza Strip. However, such attacks caused many civilian casualties, especially among children. This explains the high number of deaths among Palestinian civilians in the Gaza Strip, as 190 civilians were killed (75% of civilians killed by IOF in 2007).

Extra-judicial executions constitute the most blatant

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<sup>3</sup> Israeli settlers killed 3 Palestinians in the West Bank in 2007.

form of willful killing committed by IOF against Palestinian civilians, predetermined and approved by the Israeli political and judiciary establishments, as the Israeli High Court failed in December 2007 to take a decision prohibiting such crimes, which constituted a green line for IOF to escalate extra-judicial executions. According to PCHR's documentation, in 2007, IOF carried out 37 extra-judicial execution attacks, in which 68 Palestinians were killed. Between 29 September 2000 and 31 December 2007, a total of 690 Palestinians (20% of the total number of Palestinians killed by IOF in the same period) were killed in these attacks (327 Palestinians, including 73 civilian bystanders in the West Bank, and 363, including 148 civilian bystanders, in the Gaza Strip). Of those killed, 221, including 77 children, were non-targeted civilian bystanders.

In 2007, IOF continued to impose a total closure on the OPT. 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, isolating the Palestinian civilian population from the outside world. IOF continued to prevent the majority of Palestinian civilians, including patients, from entering Israel. With regard to internal movement, IOF continued to impose severe restrictions at hundreds of military checkpoints established at the entrances to Palestinian towns, villages and refugee camps in the West Bank.

The Gaza Strip was placed under unprecedented

measures of economic stranglehold and systematic destruction of means of subsistence of the Palestinian people in the OPT. Such measures doubled the Palestinian people and transformed the Gaza Strip into a bog jail. Palestinian farmers, traders and owners of factories were not able to obtain raw materials neither from nor through Israel, nor were they able to export their products. The lack of medicines, health services, shortages of foods and decreased electricity and fuel supplies become a prominent feature of the daily life of at least 1.5 million Palestinians living in the Gaza Strip. Subsequently, all economic sectors in the Gaza Strip were paralyzed.

In the last weeks of 2007, IOF imposed additional measures to further tighten the stranglehold of the population of the Gaza Strip. Those measures included an additional decrease of fuel supplies, including the fuel designed for Gaza Electricity Generation Plant. That measure caused further suffering to the Palestinian civilian population as electricity was cut off for long periods, and there was a shortage of fuels needed for domestic use and for the operation of hospitals and other vital services. By the end of 2007, such measures had peaked to an unprecedented level.

IOF closed Rafah International Crossing Point on the Egyptian – Palestinian border, especially in the second half of 2007. The crossing point has been the sole outlet for Palestinian civilians living in the Gaza Strip to the outside world since the destruction of Gaza International Airport in the first months of the current Palestinian Intifada. From 10 June 2007 up to the end of the year, IOF imposed additional restrictions on the move-

ment of persons and goods through border crossings of the Gaza Strip. During this period, Rafah International Crossing Point was closed for 177, which make the days of closure of the crossing point in 2007 mount to 308. In 2007, the crossing point was partially opened for 57 days only. Due to the closure of the crossing point, many Palestinians have been stuck on both sides under dire circumstances.

Furthermore, IOF have maintained the separation between the West Bank, including Jerusalem, and the Gaza Strip. Palestinian civilians from the Gaza Strip have been denied access to holy sites in Jerusalem, Bethlehem and Hebron. During the Christmas celebration, IOF allowed a limited number of Christians from the Gaza Strip to travel to holy sites in Bethlehem.

Although this policy is a form of collective punishment prohibited under international humanitarian law, and in spite of international calls for stopping this policy, IOF have tightened the siege imposed on the OPT, especially the Gaza Strip, when internal Palestinian fighting escalated in the Gaza Strip, which ended with Hamas' takeover of the Gaza Strip on 15 June 2007.

In the West Bank, IOF have continued to impose severe restrictions on the movement of Palestinian civilians through at least 500 checkpoints established throughout the West Bank. IOF also re-established their presence at a number of checkpoints that were dismantled before. IOF have also continued to construct the Annexation Wall, which has added more restrictions on the movement of Palestinian civilians and has further cut off Jerusalem from the rest of the West Bank. IOF

troops positioned at various checkpoints throughout the West Bank conduct prolonged checking on Palestinian civilians and force them to wait for long periods before allowing them to pass through those checkpoints. In 2007, IOF also arrested dozens of Palestinian civilians at those checkpoints. IOF have adopted a racist system at military checkpoints, as they have designed special routes for Israeli settlers to move freely and smoothly, while Palestinian civilians are checked and forced to wait for long periods.

IOF have continued to restrict access to occupied East Jerusalem for residents of the West Bank and the Gaza Strip. As a result, Palestinians have been denied access to advanced medical care provided by hospitals in East Jerusalem, to family, education, to work and to religious sites in the city. The construction of the Annexation Wall around East Jerusalem would establish a permanent barrier for Palestinians seeking to enter occupied East Jerusalem.

The total siege imposed by IOF on the OPT has left disastrous impacts on the humanitarian situation and has violated the economic, social, cultural, civil and political 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. Through the siege and restrictions on the freedom of movement, IOF enforced an apartheid system in the OPT, under which Palestinians are held in isolated cantons that lack geographical contiguity and are being deprived of their basic rights to the freedom of movement.

As a consequence of the total closure imposed on the OPT, unemployment mounted to 40% and the level of poverty increased to 73%; in the Gaza Strip, poverty mounted to 83%. In the first three years of the current Palestinian Intifada, the per capita individual income decreased by 32%, and by 42% in subsequent years.

In 2007, IOF arrested more Palestinians in the West Bank and the Gaza Strip. Most arrests took place during house raids, especially in the West Bank, and Israeli incursions into Palestinian towns, villages and refugee camps throughout the West Bank and Gaza Strip. Hundreds of Palestinians were also arrested at Israeli military checkpoints and roadblocks erected on roads and at entrances to Palestinian communities and at border crossings, especially in the West Bank. In 2007, IOF arrested at least 2,824 Palestiunians (2,721 ones in the West Bank and 103 ones in the Gaza Strip. Arrest campaigns also continued to target political leaders and members of the Palestinian Legislative Council, which started in 2006, when IOF arrested at least 30 members of the Palestinian Legislative Council, including its Speaker, Dr. 'Aziz Dwaik, and a number of ministers in the former Palestinian government.

By the end of 2007, at least 10,000 Palestinians 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 detain persons from occupied territory in that territory. IOF arrested at least 9,500 Palestinians in the West Bank and 850 others in the Gaza Strip. The total number of detainees includes 330 children, 120 women and 900 Palestinian who were placed under

administrative detention.

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.

In 2007, 5 Palestinian detainees died in Israeli jails, including 4 ones who suffered from chronic diseases. PCHR is concerned that those detainees might have died due to medical negligence. PCHR warns of further deterioration to the health conditions of dozens of detainees who suffer from chronic diseases and need medical treatment urgently. The fifth detainee was shot dead by IOF troops that stormed the Negev Prison.

The Israeli government, its occupations forces and settlers living in the OPT in violation of international law have continued activities or settlement expansion in the West Bank. Armed Israeli settlers, protected by IOF, have also continued to commit crimes against Palestinian civilians and property. On 10 May 2007, the Israeli daily Ha'aretz reported that the Israeli Committee for Planning and Construction approved a plan to construct 3 settlement neighborhoods in East Jerusalem, which includes the construction of 20,000 housing units, in addition to 500 others in Abu Dis village, southeast of the city. On 23 December 2007, the Israeli Ministry of Interior declared its intention to build 500 housing units in "Ma'ale Adomim" settlement, east of occupied Jerusalem, and 240 others in Jabal Abu Ghunaim ("Har Homa") settlement, south of the city, and that the project would be funded from the Israeli budget of 2008.

In 2007, IOF continued to confiscate Palestinian civilian property for the purpose of settlement expansion, in violation of the international humanitarian law, which prohibits changing the nature of an occupied territory without a military necessity, which is not available in this case.

The Israeli government and its occupation forces have continued settlement activities in East Jerusalem and suburbs in the context of efforts to Judaize the city. They have cut off the city from its Palestinian extension in the West Bank, have constructed new sections of the Annexation Wall, and have continued activities of settlement expansion inside and around the city.

In 2007, IOF razed areas of land on 2 sites to establish 2 passenger stations and a large car park in the context of the subway project in the city. The first station would be established to the right of Jerusalem-Ramallah road, whereas the other one would be established nearly 200 meters to the north of Sheikh Jarrah Stadium. The project includes a network of 8 routes with a total length of 50 kilometers. It links the settlements of "Neve Ya'qoub," "Gilo," "Ramot," "Pisgat Ze'ev," "the French Hill," "Atarot," and "Kiryat Menachem," and the villages and neighborhoods of Beit Hanina, Sho'fat, Jabal al-Mukabber, 'Anata, Hebron Gate, and Ban al-'Amoud. The project would seize more Palestinian agricultural land, and it is expected to be completed by 2020.

In 2007, attacks by Israeli settlers against Palestinian civilians and property continued. Such attacks included shootings, running down civilians with vehicles and destruction of or damage to civilian property. In 2007, 5

Palestinian civilians were killed 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 40 since the beginning of the current Intifada in September 2000.

In 2007, IOF continued to demolish Palestinian houses in the OPT, especially in East Jerusalem, as a collective punishment against the Palestinian civilian population in violation of international humanitarian law. In the Gaza Strip, IOF demolished houses as a retaliatory measure, whereas in the West Bank, they demolished houses under the pretext of building without licenses. In 2007, IOF demolished 234 houses in the West Bank, including 140 ones in Jerusalem, In the Gaza Strip. IOF demolished 94 houses.

In the past 5 years, IOF completed the construction of many sections of the Wall, which is being constructed inside the West Bank territory rather than along the Green Line separating the West Bank from Israel. Israel, which sticks to security claims to create unilateral new facts on the ground, has used the Wall as a birder in its negotiations with Palestinians, who aspire to establish their state within the 4 June 1967 boundaries. The Wall has created new facts on the ground that makes it difficult to talk about the establishment of a viable, contiguous Palestinian state.

Justice is absolutely absent in the Israeli judiciary, especially the military one, when cases are related to Palestinians, particularly those living in the OPT. IOF initiated investigations into a few dozens out of thousands of crimes committed by IOF in the OPT during

the al-Aqsa Intifada, and in the majority of cases, civilian victims were not granted reparation. Through its 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 international justice directly under the pretext of the existence of a just Israeli national judiciary.

In light of these facts, PCHR, in cooperation with a number of international legal and human rights organizations, has resorted to international legal means to prosecute Israeli war criminals. PCHR will continue its efforts, together with other international attorneys, to prosecute Israeli war criminals before other national judiciaries.

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In 2007, the internal Palestinian situation seriously deteriorated and Palestinian human rights violations gravely escalated. Furthermore, the political division in the Executive Authority expanded to impact the other two branches of authority, the judiciary and the legislature. The first half of 2007 was characterized by fighting between Fatah and Hamas movements and other aspects of the state of lawlessness, whereas the second half of the year was characterized by serious violations of human rights and public freedoms by the two movements, especially against activists and institutions of each movement. In the Gaza Strip, activists and supporters of Fatah movement were subjected to extensive attacks by security services and the 'Izziddin al-Qassam Brigades (the armed wing of Hamas). In the West Bank,

activists and supporters of Hamas were subjected to similar attacks by security services and the al-Aqsa Martyr Brigades (the armed wing of Fatah movement).

The judiciary was brought into the grind of the authority conflict through a series of measures and decisions taken by both governments in Ramallah and Gaza. The year 2007 ended with a collapsed civilian court system in Gaza Strip after the dismissed government took over the Court Compound and brought the judiciary under its direct control. The judges rejected these illegal steps and announced an indefinite suspension of their work in courts, effectively bringing the civilian judiciary to a halt.

The first few days after the Hamas' takeover of the Gaza Strip in mid June witnessed hasty developments that resulted in the obstruction of the judicial authority's work, especially in the Gaza Strip. The most notable development was the decision of the Chief of Police to suspend the work of the civilian police force in the Gaza Strip. This decision effectively halted key law enforcement functions. Simultaneously, the Attorney General suspended work in the Gaza Strip. The Attorney General is responsible for public prosecution and claims, investigating crimes, and filing criminal charges. These steps had a direct impact on the judicial authority and brought it to a state of near paralysis. The judiciary only adjudicated purely civilian cases. All cases in which the PNA, represented by the Attorney General, was a party were suspended. These included all penal cases as well as cases before the High Court of Justice where the PNA is a party. In a related development, the Higher Judicial Council decided to suspend the implementa-

tion of court rulings as a result of rejecting to deal with the police force of the dismissed government in Gaza. In addition, court fees were not collected in line with an illegal decision issued by the government in Ramallah to exempt Gaza Strip residents of all fees, so as to deny the dismissed government the utilization of these fees.

The dismissed government in Gaza took a series of illegal measures that eventually led to the collapse of the judiciary in the Gaza Strip and the establishment of an alternative judicial body. On 14 August 2007, the demised government suspended the Attorney General from his work under the claim that the Attorney General's legal appointment procedures were not completed. PCHR considered the decision a serious infringement on the judicial system, and hinders its work. On 16 August 2007, the Executive Force raided the Attorney General's office in Gaza and assaulted the Attorney General, and detained him and his assistants. On 29 August 2007, the dismissed government appointed an Assistant Attorney General and several prosecutors fulfill the functions of the Attorney General in the Gaza Strip. On 4 September 2007, the dismissed government issued a decision establishing a "Higher Justice Council," and on 11 September, it approved the Minister of Justice's nomination of members of this council. PCHR affirmed that the decision creates an alternative judicial body and causes a split in the judicial authority, creating a state of judicial chaos that would paralyze the civilian judiciary and undermine people's interests. The Higher Justice Council started to work and appointed new judges illegally. The most serious measure took place on 26 November 2007 in

the form of an attack on the civilian court compound in the Gaza Strip, and the break-in by members of the “Higher Justice Council” formed by the dismissed government into the office of the President of the Higher Judicial Council and President of the High Court. As a result, the Higher Judicial Council announced an indefinite suspension of the work of the civilian court system in the Gaza Strip.

In 2007, the status of the Palestinian legislature seriously deteriorated in an unprecedented manner since its establishment in 1996, reaching the limit of almost complete collapse in the second half of the year. Such collapse was not only an outcome of practices by IOF, especially the detention of at least 30 members of the Palestinian Legislative Council, but also resulted from the bloody conflict between Fatah and Hamas and the deep division in the executive, which has impacted all components of the Palestinian political system, including the legislature. There were hopes that the Mecca agreement between Fatah and Hamas movements would lead to national reconciliation, which would restore the prestige of the legislature which had been disrupted by conflicts between Fatah and Hamas movements. A national coalition government was formed. It gained the confidence of the Palestinian Legislative Council on 17 March 2007. However, an atmosphere of mistrust and suspicion continued to prevail between the two movements. The two movements exchanged accusations, which was an indicator that confrontation was imminent. In fact, new rounds of fighting ensued between the two movements, which ended with Hamas’ takeover of the Gaza Strip. The second half of 2007 the Palestinian legislature was par-

alyzed, which Fatah and Hamas movements, as well as IOF, were responsible for. On 7 November 2007, the Palestinian Legislative Council held a session in Gaza City with the attendance of 29 PLC members in Gaza. Prior to the session, the Change and Reform bloc members in Gaza gathered authorizations from 35 PLC colleagues imprisoned by Israel. The other parliamentary blocs considered these authorizations as illegal. PCHR views the 7 November session and subsequent sessions as part of the outstanding political crises. PCHR believes that those sessions are legally irrelevant and are part of the crisis deepening the division and separation between the West Bank and Gaza Strip.

In 2007, violations of the right of life and attack on personal security seriously escalated in the OPT. In 2007, 500 Palestinians, including 47 women and 45 children, were killed and at least 2,220 others were wounded by Palestinians. In the context of internal fighting between the armed wings and security services of Fatah and Hamas movements, which was characterized by grave breaches of international humanitarian law, including willful killing, 311 Palestinians were killed. The two parties of the conflict perpetrated grave breaches of the provisions of international law concerning internal armed conflicts, including willful killing, extra-judicial executions and firing at fighters after laying down their weapons. Eyewitnesses talked about killing a number of wounded persons inside hospitals; abduction and torture; using houses and apartment buildings in the fighting, endangering the lives of civilians; obstruction of access of medical and civil defense crews to areas of clashes.

Violations of the right of life in 2007 were not limited to internal fighting, as 107 Palestinians, including 21 children and 11 women, were killed and 547 others were wounded as a result of the misuse of weapons by known and unknown armed groups, in the context of the state of lawlessness plaguing the OPT. Those incidents endangered the security and safety of Palestinians and continued to cause casualties as legal action to confront them were absent. Incidents of the misuse of weapons included storage of weapons in populated areas; use of weapons by unknown groups; and use of weapons by militias.

In 2007, 18 Palestinians, including 3 children, were killed and at least 160 others were wounded by Palestinian security officers during processes of law enforcement in the West Bank and the Gaza Strip. Excessive force was used to disperse both peaceful and violent demonstrations and gatherings, and during armed clashes with Palestinian clans. Regrettably, no investigation was conducted in such incidents and no legal action was taken against shooters.

Weapons continued to be employed in personal and clan disputes in the context of the state of lawlessness plaguing the OPT. In 2007, 52 Palestinians, including 4 women and 4 children, were killed and 225 others, including 31 children and 17 women, were wounded in personal and clan disputes. In some cases, armed groups supported clans in such disputes.

In 2007, 2 Palestinians were killed by Palestinian armed groups in the West Bank and the Gaza Strip for alleged collaboration with Israeli security services.

In 2007, 14 Palestinian women, including a 16-year-old girl, were killed “to protect family honor.” PCHR has often expressed deep concern over the continuation of murders related to the so called protection of family honors, as murderers are granted impunity with sentences of imprisonment for short periods. PCHR calls for taking deterring measures to deal with such murders, which are a form of willful killing, taking into consideration the law and international human rights instruments.

Since Hamas’ takeover of the Gaza Strip in June 2007, hundreds of Palestinians have been arrested by Palestinian security services both in the Gaza Strip and the West Bank. The Executive Forces, which was transformed by the dismissed Palestinian government in the Gaza Strip to a police force, waged arrest campaigns against hundreds of activists and supporters of Fatah movement in the Gaza Strip, whereas Palestinian security services in the West Bank waged similar arrest campaigns against Hamas’ activists and supporters. Dozens of detainees were subjected to torture and other forms of cruel and inhuman treatment, including violent beating, during interrogation by security forces in the Gaza Strip and the West Bank. A number of detainees also complained of having been treated in a retaliatory way.

In the Gaza Strip, arrests were conducted collectively or individually. Security forces waged arrest campaigns, during which they arrested many Palestinians, especially activists and supporters of Fatah movement. Those detainees were subjected to torture and cruel and inhuman treatment, including insults, beating, violent beating, chaining, and hanging. In many cases,

detainees who were subjected to torture in detention center were evacuated to hospitals, and medical checking revealed fractures and bruises on their bodies. The body of a Palestinian who was detained in Gaza Central Prison was brought to Shifa Hospital.

In the same context, a number of Palestinians were arrested by militants from the 'Izziddin al-Qassam Brigades (the armed wing of Hamas), which acted like a police force, throughout the Gaza Strip. The 'Izziddin al-Qassam Brigades also managed a number of detention centers, and interrogated detainees and subjected them to torture and other form of cruel and inhuman treatment. Two Palestinians who were detained by the 'Izziddin al-Qassam Brigades in al-Mashtal detention center, northwest of Gaza City, and a mosque in Khuza'a village, east of Khan Yunis, died.

In the West Bank, Palestinian security services waged arrest campaigns against activities and supporters of Hamas, following Hamas' takeover of the Gaza Strip. A number of senior leaders of Hamas and Members of the Palestinian Legislative Council were arrested by security forces. The detainees were subjected to cruel treatment whether during interrogation or during house raids. The arrest campaigns were focused in Nablus, Hebron and Ramallah, and continued under various security claims. At least 500 persons were arrested, and most of them were released. The periods of detention ranged between a few hours to several weeks or even months. A number of detainees who were released later stated that they were interrogated about their relation with Hamas and the Executive Force and were pressured to sign statements pledging

to cut their relations with Hamas. Some other released detainees stated that they were subjected to torture and were pressured not to inform about practices by security forces against them. PCHR field workers faced difficulties in convincing victims to give affidavits. Those victims asked PCHR not to reveal their names as they were threatened by security forces not to inform human rights organizations.

In 2007, violations of the right to freedom of expression and assaults against press freedoms notably escalated. A number of journalists and media institutions were attacked. Such attacks further escalated during and after the internal fighting in June 2007. Journalists and media institutions affiliated to Hamas and Fatah movements were attacked in the Gaza Strip and the West Bank. Before the incidents of June, PCHR had documented a number of attacks against journalists and media institutions in the context of the internal fighting between Hamas and Fatah movements, especially in the Gaza Strip. The most serious of such attacks took the lives of two journalists on 13 May 2007. PCHR had also documented a number of attacks against journalists and media institutions in the context of the state of lawlessness and proliferation of weapons prevailing in the OPT, the most notable of which was the abduction of BBC reporter Alan Johnston by unknown gunmen on 12 March 2007.

During the incidents of June, a number of journalists and media institutions affiliated to the conflict parties. According to PCHR's documentation, such attacks included storming media offices and destroying their contents, closing television and radio stations and banning

the distribution of newspapers.

Media institutions affiliated to both parties of the conflict played a negative role before, during and after the internal fighting of June 2007. They used the language of incitement, hatred, intolerance and denial of the other. They were employed in factional propaganda. Such negative role played by media institutions could have motivated attacks by the parties of the conflict against institutions of each other.

Assaults against press freedoms continued until the end of the year. In the Gaza Strip, a number of journalists were attacked by the Executive Force (later, the police) of the Ministry of Interior in the dismissed Palestinian government. Such attacks included beating, detention and confiscation of media equipment. In the West Bank, a number of journalists and media institutions, especially those affiliated to Hamas, were attacked by Palestinian security services or unknown gunmen. Such attacks included detention, beating and torture and raids on press offices.

In 2007, violations of the right to peaceful assembly notable escalated in PNA controlled areas. Following the internal fighting in June, the two governments in Gaza and Ramallah imposed severe restrictions on the right to peaceful assembly ensured by the Palestinian Basic Law and international human rights instruments. In the second half of 2007, security forces attacked peaceful demonstrations and gatherings in both the Gaza Strip and the West Bank. Security officers repeatedly used excessive force to disperse or prevent peaceful demonstration and gathering, which left casualties.

Sometimes, gunmen in civilian clothes participated in the suppression of peaceful demonstrations and gatherings. In the Gaza Strip, 11 Palestinians were killed and at least 95 others were wounded when the police used force to disperse peaceful demonstrations and gatherings. In the West Bank, the Palestinian government in Ramallah prevented all aspects of peaceful assembly of activists of Hamas following the incidents of June. In the few cases in which people organized demonstrations, security officers forcibly dispersed those demonstrations. As a result, one Palestinian was killed and dozens of others were wounded.

In 2007, violations of the right to association continued throughout the OPT. The first half of the year witnessed a few number of attacks against institutions and associations by unknown people in the context of the state of lawlessness and proliferation of weapons plaguing the OPT. However, such attacks escalated during the incidents of June as members of both parties of the conflict (Hamas and Fatah movements) attacked institutions, associations and officers of each other.

Regrettably, such attacks did not stop after the incidents of June. In the Gaza Strip, attacks against institutions and associations, including those affiliated to Fatah movement, continued. In the West Bank, a series of administrative measures were taken by President Mahmoud Aabbas and the government in Ramallah following Hamas' takeover of the Gaza Strip in June 2007. Such measures constituted a prelude for a campaign against some civil society organizations, which are legally registered, with the intent to close them or restrict their activities in the context of the state of emergency in

the OPT. On 20 June 2007, President Mahmoud Abbas issued a decree on civil society organizations. The decree demanded all organizations and associations to submit new registration applications within one week. On 28 August 2007, the Palestinian government decided to dissolve 103 non-governmental organizations in the OPT for “committing legal, administrative, or financial violations of Law No. 1 of 2000 on Charities and NGOs.”

The political crisis in the PNA and the authorities conflict between the two Palestinian governments in Gaza and Ramallah have negatively impacted the economic and social conditions of the public service employees in the Gaza Strip; both military and civil ones. Measures taken by the two governments, including the cutting off of salaries of thousands of public services employees, employing new individuals in a manner violating the Civil Service Law, and the dismissal, marginalization and substitution of hundreds of employees in the public service in the Gaza Strip, have left severe impacts the living conditions of employees and undermined their ability to provide means of subsistence for themselves and for their families. Those decisions, whether taken by the dismissed government in Gaza or by the government of Ramallah, constituted a flagrant violation of the rights of employees according to international human rights standards, especially their economic and social rights.

Such measures created a deep division in services provided by public institutions, which has been reflected in a poor performance that damaged the interests of people. They created a conflict in references of public

institutions in Ramallah and Gaza, and consequently several conflicting decisions were taken

## 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

1. PCHR calls upon the international community, including the High Contracting Parties to the Fourth Geneva Convention, to end the strict siege imposed by IOF on the Gaza Strip since June 2006, which peaked in the second half of 2007 following internal fighting that ended with Hamas' takeover of the Gaza Strip.
2. Because non-respect for the results of the Palestinian parliamentary elections and the international boycott imposed against the Palestinian government formed accordingly was a major factor in escalating the internal Palestinian conflict, the international community is required to take effective steps to demonstrate respect for the results of those elections, encourage internal Palestinian dialogue and initiate dialogue with all Palestinian parties, including Hamas.
3. 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.

4. 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.
5. PCHR believes that the High Contracting Parties are responsible for searching for and prosecuting 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.
6. 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.
7. 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 conform to the Advisory Opinion issued by the International Court of Justice, the highest international judicial body, in 2004, which considers the Wall illegal.
8. PCHR calls upon the international community to stop the crime of settlement in the OPT, and calls upon all global companies to stop all projects in

Israeli settlements.

9. 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.
10. 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.
11. 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.

## Recommendations to the PNA

1. PCHR calls upon Fatah and Hamas movements to initiate dialogue to end the current political crisis and end the division in PNA, which has expanded to impact all components of the Palestinian political system and maintain the separation between the West Bank and the Gaza Strip.
2. PCHR calls for establishing an independent inquiry commission to investigate killings and other crimes committed during the fighting between Fatah and

Hamas movements. Such inquiry commission can never succeed in its job without the approval of the two parties of the conflict to politically uncover people who are suspected of committing crimes in all rounds of fighting and to facilitate access to victims and eyewitnesses.

3. PCHR calls for retaining the dignity of the judiciary and taking effective measures to ensure its non-politicization in the context of the existing conflict. PCHR particularly calls upon the dismissed government in Gaza to retreat from measures taken with regard to the judiciary and to hand over courts to the Higher Judiciary Council.
4. PCHR calls upon all parliamentary blocs to retain the dignity of the Palestinian Legislative Council, to take effective steps to ensure the start of a new parliamentary term and to stop all measures that have paralyzed it.
5. 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.
6. PCHR calls for stopping all political arrests that target activists of Fatah and Hamas movements in the Gaza Strip and the West Bank respectively and to ensuring the release of political prisoners.
7. PCHR calls for stopping crimes of torture in detention centers managed by security services in the Gaza Strip and the West Bank.
8. PCHR calls for taking effective measures to end the state of lawlessness plaguing the OPT, which has taken the lives of hundreds of Palestinian civilians.
9. PCHR calls for ensuring the right of the freedom of expression, including stopping all attacks against

journalists and media institutions, especially those affiliated to parties of the current internal conflict.

10. PCHR calls for ensuring the right of peaceful assembly, including peaceful demonstrations and public meetings provided that the peaceful nature of such activities is maintained.
11. PCHR calls for ensuring the right of association, stopping attacks against associations and abstaining from pushing civil society organizations into any conflict. PCHR further calls for stopping all attacks against headquarters of parties in the Gaza Strip.
12. PCHR calls for the abolition of the death penalty and abstention from implementing death sentences that have been issued so far.
13. 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.