



AL - HAQ



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## Inside

- Columbia University Lists Al-Haq Library on	
CHRDR Archive .....	2
- AL-HAQ Field Researchers .....	+4
- Interview with Dr.Lily Feidy .....	5
- Latest Releases .....	6

### Al-Haq News Bulletin Issue (1)

On a weekly basis Al-Haq's staff involved in any number of newsworthy activities and events. Rarely, however, are they reported to media outlets or interested groups. More often, Al-Haq's employees are busy with completing tasks than writing about them. Nevertheless, since some of our activities are particularly significant to groups interested in the situation of human rights in the Palestinian territory, it has been decided to resume publishing the News Bulletin after a hiatus of several years of interruption. Al-Haq is also determined to issue the News Bulletin every three months.

Despite being news-oriented, the Al-Haq News Bulletin does not cover all the events and activities initiated by our staff. As these are many, we will attempt to select the most prominent news that represents the core of Al-Haq's operations.

In general, the first issue of "AKHBARONA" is released at a time of increasing Palestinian and international debate over the Israeli settlement enterprise and the need to "freeze" it in order to pave the way for resumption of political negotiations between Israel and Palestinians. On the ground, however, the Israeli occupying authorities are expanding settlement activity in the West Bank, including in Jerusalem. Moreover, the settlement enterprise is being accompanied by a relentless Israeli effort to construct infrastructure required by Jewish settlers. In this context, settler-exclusive bypass roads force Palestinians to use detour roads, which are now being constructed under the auspices of international bodies. It seems as if the international community is assisting the Israeli occupying authorities' in their goal of maintaining settlements as well as the associated administrative regime and infrastructure.

Al-Haq's position has been, and is still, clear: Israel's settlement activity and transfer of the its civilian population to the occupied Palestinian territory is a war crime, which necessitates that all officials who order, implement and help implement such a policy be prosecuted. Article (47) under the *Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* prohibits any derogation from guarantees safeguarded to the protected persons under occupation. The Fourth Geneva Convention also deems any agreement or understanding that impinges on the said safeguards to be null and void. Hence, Israel's settlement activity or any attempt to maintain or legitimise it under any disguise breaches established peremptory rules under International Law, particularly concerning the right to self-determination.

In line with the United Nations General Assembly Resolution on the *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, which was issued last February, Palestinians should effectively seek to include Israeli settlement enterprise on the agenda of the conference of High Contracting Parties to the Geneva Conventions, which will convene in late July 2010.

Al-Haq Director General  
Sha'wan Jabarin

## Al-Haq Expresses Disappointment at British Court Rebuttal of Case against UK Government for Inaction against Israel's Violations

London - Al-Haq has articulated its disappointment at the decision entered on 25 February 2010 by the Court of Appeal in England and Wales. Claiming that it pertained to a foreign affair that was beyond its jurisdiction, the Court rebutted the case which Al-Haq had fielded against the UK Government for inaction against violations committed by the Israeli occupying authorities.



Al-Haq argued that the legal principle it referred to in the case was valid. In light of Israel's ongoing violation of peremptory rules of International Law, the United Kingdom (UK) is obliged by International Customary Law not to recognise the illegal conduct of the occupying State of Israel or offer assistance to it. Additionally, the UK should cooperate with other states to bring to an end the Israeli infringements. Nonetheless, London increased arms sales to Tel Aviv in 2008 and maintained membership of the Economic Partnership between the European Union (EU) and Israel, thereby gravely violating applicable international obligations.

In cooperation with Advocate Phil Shiner, a member of Public Interest Lawyers, Al-Haq filed the said case in June 2009. Al-Haq accused the UK Government of failing to meet obligations prescribed by International Law in regard to Israel's practices in the occupied Palestinian territory.

Al-Haq argued that while International Customary Law (and consequently domestic law) provide obligations for states in relation to human rights violations committed by other states, it is unreasonable that domestic courts are unable to verify how their national governments are committed to those obligations.

Al-Haq made clear that the *Report of the United Nations Fact Finding Mission on the Gaza Conflict* as well as other reports on the Israeli offensive on Gaza prove that Israel perpetrated grave infringements of the Geneva Conventions, which rise to the level of war

crimes. Furthermore, the *Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* considers that Israel's actual annexation of land in the West Bank is a denial of Palestinians' right to self-determination.

In addition, Al-Haq asserted that violations were also in place before Israel's offensive on Gaza (27 December 2008-18 January 2009), which resulted in thousands of civilian casualties and mass destruction. Combined with the international community's

failure to take any immediate measures to support International Law, the Israeli offensive compelled Al-Haq to prosecute states that establish working relationships with Israel. Starting with the UK, Al-Haq will seek to bring an end to normal relations with Israel in light of the crimes it has committed.

"Though we were sure that we would face this predicament, we decided to enter the battle. UK courts adopt a common customary practice of avoiding intervention in the UK

Government's foreign policy. However, we pursued the action with the support of different examples. Of these, the UK is under an obligation to protect refugees from torture. If the Government refuses an asylum request submitted by any person, they can file a case

against the Government, before its national judiciary, on grounds of their fear of being subjected to torture once they return to their

country of origin. The court should seriously examine the situation of human rights in the country of the refugee before it enters its ruling on the case." Al-Haq explained.

Regarding the reason of selecting the UK to lodge the case, Al-Haq stated that necessary conditions were in place. In addition a number of British lawyers were willing to pursue the case. In the next stage, similar cases will be lodged against states with more progressive constitutions as to allow such a legal proceeding.

Al-Haq deemed that the decision entered by the Court of England and Wales was more political than legal. Presumably, the British judicial system cannot have a say in such a case because it will leave the door open to thousands of actions against UK foreign policy officials, who habitually support governments that commit large-scale violations of human rights.

Al-Haq believes that filing a similar case in the United States of America would be more complicated as legal customs corresponding to those in the UK are in place. When Rachel Corrie's family submitted a case against the American Caterpillar Corporation (manufacturer of the bulldozer, which was used to kill Corrie), the US court replied that it did not have jurisdiction to adjudicate the case because it was pertinent to US foreign policy.

## Al-Haq Strives in Europe to Keep the Goldstone Report Alive

Brussels - On 25 February 2010, the European Parliament in Brussels adopted a resolution, calling for the implementation of recommendations of the Report of the United Nations Fact Finding Mission on the Gaza Conflict in preparation for the 13th Session of the UN Human Rights Council, which was scheduled to convene in Geneva in late March 2010.

The European Parliament confirmed that respect of International Human Rights Law and International Humanitarian Law by all parties and under any conditions shall be a primary prerequisite for the realisation of a just and permanent peace in the Middle East, in particular between Israelis and Palestinians.

The European Parliament also recalled the international community's responsibility for ensuring accountability in cases of infringement of International Human Rights Law and International Humanitarian Law. They highlighted that an effective peace process in the Middle East necessitates justice and accountability.

Al-Haq played a significant role in attaining such an advanced European position. This included launching lobbying and advocacy campaigns to secure support for the Palestinian question abroad, especially in France and Belgium. In these two states, Maysa' Zo'rob represented Al-Haq in several meetings with official and non-official persons.

Also in attendance were Fatima al Aju, staff member of

ADALAH - The Legal Centre for Arab Minority Rights in Israel, and Mary Winegarten, representative of Physicians for Human Rights. They meetings focused on the Report of the United Nations Fact Finding Mission on the Gaza Conflict and emphasised the importance of keeping it operative and invigorating public debate over it.

Meetings also brought together officials at the French and Belgian Ministries of Foreign Affairs, including relevant departments such as the Middle East Office and Human Rights Office; parliamentarians representing major parties at the French and Belgian parliaments; government officials; civil society representatives, including the

French Ambassador for Human Rights; and media officers. In these meetings, Al-Haq made specific recommendations to the European Parliament. In addition to highlighting the need to hold Israel accountable for the violations it has perpetrated against Palestinians, including the siege it imposes on the Gaza Strip; Al-Haq also urged the European Parliament to employ all available diplomatic and legal instruments, including the EU-Israel Partnership Agreement, to place pressure on the occupying State of Israel to conduct independent and reliable investigations in consistence with international norms, as is provided in the Goldstone Report.

Following a hearing session at the European Parliament, Zo'rob dispatched the said recommendations to a member on the European Parliament (a representative of the German Green Party), who drafted them in the form of a draft resolution in order to submit it to the next session of the UN Human Rights Council late in March 2010.

In February 2010, Zo'rob also took part in the Medico-organised mission to Germany and elaborated on human rights, humanitarian situation in Gaza and the Goldstone Report. Meanwhile, Zo'rob met with representatives of German parties in the Bundestag as well as with civil society activists and journalists. According to Zo'rob, the German Green Party pledged to raise the Goldstone Report and human rights violations in the occupied Palestinian territory in the German Bundestag on 3 March 2010 ●







## Columbia University Lists Al-Haq's Library Catalogue on the CHRDR Archive

Ramallah – The Centre for Human Rights Documentation and Research (CHRDR) at the Columbia University selected the Al-Haq Library Catalogue for inclusion on the CHRDR Archives in order to promote online research for information from human rights organisations.

The new archive provide the facility to navigate primary and secondary resources, as well as archival collections and internal records from human rights organisations, such as Amnesty International and Human Rights Watch. CHRDR also adds selected library catalogues of major international institutions to the WorldCat system, which provides access to other materials available online such as internet for books, documents and CDs.

Ellen Saliba, Head Librarian at Al-Haq, attributed this achievement, which is the first of its kind, to the great efforts made by Al-Haq Library's staff in accessing the latest publications in law and human rights. Al-Haq's Library also pays due attention to cataloguing these publications in a scientific manner and in line with the most accurate and up-to-date international systems.

Established in 1979, the Library currently houses more than 11,000 publications, including books, journals, magazines, and CDs. The library also contains university dissertations, documents of government bodies and publications of civil society organisations, as well as daily and weekly newspapers.

## NGOs denounce libel campaign against Al-Haq and AL-MEZAN

*Ramallah – Palestinian, international and Israeli human rights organisations have firmly denounced hostile statements made by an official at a Canadian organisation against Al-Haq and AL-MEZAN.*

An open letter signed by 50 NGOs as well as Mairead Corrigan, a 1967 Irish Nobel Peace Prize laureate, condemned the Israeli efforts to "silence any voice against human rights violations".

According to the Globe & Mail, Aurel Braun, Board Chair of Rights & Democracy, demanded that the institution previous a grants of USD 10,000 to each of Al-Haq and AL-MEZAN which were intended to help them document human rights violations during the Israeli attack on the Gaza Strip about a year ago. Braun claimed that both organisations held strong anti-Israel positions.

Braun, who is known for his pro-Zionist positions, argued that "money sent to AL-MEZAN might be diverted to the banned terrorist organisation Hamas". He also personally attacked Al-Haq's director general, by allegeding that Mr. Sha'wan Jabarin was "an activist for another banned terrorism group".

The NGO open letter stated that the public libel campaign, which has been launched by Braun, aims to prevent NGOs from carrying out their vital function of monitoring and reporting human rights violations. It is "a call to cease altogether any meaningful promotion of respect and protection of human rights in the Palestinian territories, in clear contradiction to Canada's declared interest in furtherance of universal values of human rights and promotion of democracy."

It should be noted that Rights & Democracy (International Centre for Human Rights and Democratic Development), is a non-partisan organisation with an international mandate. It was created by Canada's Parliament in 1988 to encourage and support the universal values of human rights and the promotion of democratic institutions and practices around the world. Rights & Democracy has had good working relationships with many NGOs, including in the Arab World. Since he was appointed as the Board Chair around a year ago, Braun has launched a campaign against human rights organisations in the occupied Palestinian territory, creating a state of an increasing

tension within Rights & Democracy itself.

Three board members resigned their posts in protest against what they saw as a deviation from Rights & Democracy's authentic goals. Several staff members of Rights & Democracy also wrote letters of solidarity with Al-Haq and AL-MEZAN.

Braun's behaviour has aroused a widespread campaign in solidarity with Al-Haq. The International Federation of Human Rights (FIDH), a France-based NGO, dispatched a notice to the Canadian Prime Minister, protesting against the libel campaign against human rights organisations in the Palestinian territory. Moreover, 200 Canadian academics signed a similar notice.

Professor William Schabas, Canadian Chair of the Irish Centre of Human Rights, published an article, in which he personally defended Mr. Jabarin, describing him as "a distinguished international lawyer who is highly regarded around the world by all those who cherish human rights."

It should also be noted that Al-Haq and AL-MEZAN have recently been subjected to other slander campaigns launched by the Israeli NGO Monitor, alleging that both groups use

International Law to attack their opponents. On several occasions, NGO Monitor also attempts to link Al-Haq and AL-MEZAN with terrorism.

Mr. Jabarin, Al-Haq's Director General, made clear that defamation attempts are an outcome of the increasing role of Palestinian human rights organisations in prosecuting Israeli war criminals and bringing them to justice. In this context, Al-Haq filed two cases, including one in the UK against the British Government regarding its omission to fulfil obligations prescribed by International Law in acting against crimes perpetrated by Israel in the occupied Palestinian territory. The other case was lodged in Canada against two Canadian corporations involved in settlement construction activities in the village of Bil'in in the western Ramallah governorate.

"It seems that we have touched on a red line, which we may have to come close to. It appears as if human rights organisations are required to be sufficed only with the theoretical aspect only." Mr. Jabarin commented. he also said that the current campaign will not deter Al-Haq from prosecuting Israeli war criminals and lodging further lawsuits against them before national and international courts.

### Registration of Dead Sea Land as State Land

Annemarie Hearne, legal researcher at Al-Haq, is compiling a study on Israel's registration of the Dead Sea land, including land located under the sea level, as state land. The study examines how this Israeli measure violates International Law.

The investigation is based on the fact that Israel is obliged – in its capacity as the occupying power – under International Law to protect the territory under its occupation. The law also prohibits the occupying power from not introducing any permanent changes to the occupied territory. Any other measures are subject to severe restrictions, including the use of property for strict military purposes or service of the civilian population.

However, this reported registration of land infringes on International Law. It jeopardises Palestinians' right to economic growth and using natural resources available in the area of the Dead Sea. In the context of their ongoing conflict with Israel, Palestinians are concerned that land registration would serve as another Israeli-created fact on the ground.

### The Annexation Wall in 'Anata, Jerusalem

Natalie Tabar, legal researcher at Al-Haq, is developing a study on the impacts of the Annexation Wall on the city of Jerusalem. Though still at an inception phase, the study will concentrate on the village of 'Anata in the north-eastern governorate of Jerusalem. It will present an accurate synopsis of the policy which Israel implements in the Holy City with the intention to annex the largest portion of Occupied Palestinian territory as well as to expel the largest number of Palestinian residents.

Up to this point, Tabar has made three field visits to 'Anata and Jerusalem. Tabar believes that approximately one year is needed to complete the investigation. Conclusions will be employed to expose the Israeli racist and expansionist policies in the city of Jerusalem.

### Abuse of Palestinian Workers

On behalf of Al-Haq, legal researcher Stein Diner is about to finalise an investigation on Israel's abuse of Palestinian workers, whom Israeli occupying troops capture while they attempt to cross the Separation Wall without the required access permits in search of a decent standard of living.

The investigation is based on affidavits collated by Al-Haq from Palestinian workers throughout 2009. Israel implements a systematic policy of humiliating Palestinian workers by the illegal use of firearms, arbitrary detention, degrading treatment, and brutal torture. The investigation attempts to highlight the significance of this issue. Whereas Israel punishes Palestinian workers, it actually bears responsibility for having forced them to cross the Annexation Wall. Israel flagrantly neglects its due international legal obligation of securing economic well-being and prosperity for the civilian population under its occupation in the Palestinian territory.

## AKHBARONA

Omran Risheq, Editor

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AKHBARONA is a quarterly newsletter published by Al-Haq, covering its activities in protecting and promoting human rights and the rule of law in the Occupied Palestinian Territory (OPT).

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## Al-Haq Field Researchers: Tireless Efforts to Deliver the Full Truth

Monitoring and documenting human rights violations in the occupied Palestinian territory is a main activity of Al-Haq. A team of qualified field researchers dispersed around the West Bank and Gaza Strip collate firsthand information (i.e. from victims of human rights violations or eyewitnesses) and provide it to Al-Haq for analysis and categorisation into a special database. This information is used in the process of developing various reports and defining intervention priorities and issues, which need legal advice, (AKHBARONA) interviewed Al-Haq field researchers and explored their views about their function and the challenges they encounter in the field:

### Zahi Jaradat

Coordinator of Field Research

I have been working at Al-Haq since 1983 in the area of field research. In the wake of this long period, I can say that field research primarily relies on the field researcher's relations with various segments of their community, including individuals, institutions and political parties. The better the relations, the more information field researchers will be able to collect. Compared to the past, the Palestinian society now better appreciates our function. In the 1970s and 1980s, I recall that we made strenuous efforts to convince people of the term and significance of human rights. We explained that our objective was to help citizens. Unlike what some people described us, we did not attempt to disseminate weird ideas that were peculiar to the Palestinian society.



### Mohammed Abu Rahma

Field researcher in Gaza and northern Gaza

I have been working as a field researcher with Al-Haq for three years. I started my job during the period of infighting between Hamas and Fatah, which resulted in Hamas' seizure of control over the Gaza Strip in mid 2007. At the time, I remember I faced several difficulties in movement and in monitoring murders and other violations committed by Palestinians, including torture and intimidation of civilians. I have also documented all Israeli incursions. In addition to the last Israeli offensive on Gaza about a year ago, I have monitored numerous massacres and atrocities.



### Yousef Qawariq

Field researcher in Nablus and Qalqiliya

Having been working with Al-Haq for ten years, I document crimes perpetrated by the Israeli occupying forces and Jewish settlers as well as violations committed by the Palestinian Authority. To this avail, I take affidavits from victims and eyewitnesses.

Our coverage of aggressions and attacks waged by the Israeli occupying forces is risky. At the same time, people mostly fear to talk to us in cases pertaining the Palestinian Authority.

On several occasions, Israeli occupying troops arrested me and confiscated my Al-Haq-issued personal business card. The Palestinian Authority has also placed restrictions on our activity. If Palestinian security officers see us take photographs, they intervene and interrogate what and for whom we do so.



### Hisham Sharabati

Field researcher in Hebron

I joined Al-Haq as a field research around a year and a half ago. Earlier, I worked as a journalist. I believe that both professions are similar to a great deal because they monitor people's concerns and daily problems.

I work in a large, turbulent area, parts of which are under control of the Palestinian Authority and others under the Israeli occupying authorities. Israeli settlers also continuously exercise acts of terror. I should note that I sometimes feel frustrated when I am not able to offer immediate help to victims. However, what drives me to keep up my work is my conviction that introducing a change to the situation of human rights is a cumulative process, which requires resilience and patience.



### Tareq Al-Haj Mahmoud

Field researcher in Jenin, Tulkarem and Tubas

I have been working as a field researcher with Al-Haq since 2000. Working in the field is not an easy task, but it is also associated with innumerable risks. I experienced this fact during the second Intifada, particularly over 2000-2005.

As a human rights activist, I was subject to an increasing psychological pressure because I did not see my work yield immediate results that could contribute to halting the Israeli aggression.

Later, I realised that our activity needed patience and belief in a strategic vision. The Goldstone Report proves that the world has changed its attitude in dealing with war crimes committed against us. This is not a sheer coincidence. It is an outcome of activities implemented by many Palestinian organisations in the field of the International Law over scores of years.





## American Activist Anne Massagee Calls Al-Haq to Continue to Document Israel's Violations as a Best Response to Distortion Campaigns

Ramallah – An American human rights activist called Al-Haq to pursue its work in documenting and disseminating human rights violations as a best response to libel campaigns launched against it by an Israeli website.

Anne Massagee, Consultant at the International Centre for Transitional Justice – an international NGO that helps victims hold war criminals accountable – said that the best strategy to respond to the libel campaign is to ignore it. In light of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, which explicitly accuses Israel of perpetrating war crimes during the offensive on Gaza, the libel campaign aims to deviate public attention from the major issue of Israeli violations. However, Massagee advised that relevant Palestinian organisations should unite efforts to elaborate on responses to allegations made by NGO Monitor.

Recently, a number of Israeli and Western media have launched a campaign against human rights organisations, which monitor Israel's infringements on Palestinian human rights. In particular, Jerusalem-based NGO Monitor has equated Al-Haq with those who use International Law to attack its opponents. NGO Monitor has also attempted to associate Al-Haq and specific staff members with terrorism. It should be noted that the libel campaign



also affected other international, Palestinian and Israeli human rights organisations, including the AL-MEZAN Centre for Human Rights, Human Rights Watch, Amnesty International, and the Israeli Information Centre for Human Rights in the Occupied Territories (B'Tselem). NGO Monitor alleges that these organisations report false, uncorroborated and biased information about Palestinians with respect to their conflict with Israel.

Massagee asserted that the campaign is an indication of the successful operation of Palestinian human rights organisations.

"It is true that the reporting success has not ended the occupation and the violations of human rights in the occupied Palestinian territory, but it is still a success. What is going on is a nervous reaction to it," said Massagee.

## Al-Haq Organises Training Day on the Rights of Persons with Special Needs

Ramallah - Al-Haq has organised a training day on the rights of persons with special needs under the International Law on Human Rights and domestic legislation.

The training day, which took place at the Grand Park Hotel in Ramallah, brought together 29 participants with special needs, including representatives of relevant institutions.

In an opening remark, Advocate Rafeef Mujahed asserted that human rights are the same to all persons wherever they are present and regardless of their age, sex, race, religion, origin, income, or any other status or condition. Human rights are universal and are equitably applicable to all individuals.

Advocate Nasser Rayyes made a thorough presentation on the *International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* of 2008. Provisions of this Convention ensure an enhanced treatment of persons with disabilities on grounds of full protection and equality with other persons in relation to all fundamental human rights and freedoms. The Convention also provides that persons with disabilities should be integrated fully and effectively within the society.

Rayyes made clear that a significant provision under the Convention is that State Parties should deal with persons with disabilities through a compulsory legal system and action, not in line with a charitable approach. Therefore, State Parties should undertake to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving



progressively the full realisation of the rights of persons with disabilities.

Elaborating on their rights under the *Palestinian Law Concerning Persons with Disabilities*, Rayyes stated that provision of protection to the rights of persons with disabilities is not only associated with social care, but it is also an issue of human rights. As they are genuine and universal, human rights should be inclusive and inseparable.

Advocate Hana Amer, who supervised the training day, asserted that this event was part of Al-Haq's effort to raise public awareness on International Human Rights Law. The training day aimed to introduce the rights and duties of certain groups in order to identify competent authorities' responsibility for the enforcement of relevant laws as well as working towards developing an effective oversight system to ensure that these groups fully enjoy their prescribed rights.

### Field researcher in Ramallah and Salfit

I joined Al-Haq as a field research only several months ago. Earlier, I was an activist in the Popular Campaign Against the Separation Wall. Working in the field is full of complications. At the same time, however, it open up an opportunity to communicate with people and explore their concerns. I hope that our effort in documenting crimes perpetrated by the Israeli occupying forces deliver tangible results, including a prosecution of Israeli war criminals before international judicial circles.



**Hadil Haniti**

### Ziyad Hmeidan

#### Field researcher in the governorate of Bethlehem



I have been working as a field researcher with Al-Haq since 2000. Working in the field is not an easy task, and it is

associated with innumerable risks. I experienced this during the second *Intifada* (Uprising), particularly during 2000-2005. As a human rights activist, I was subjected to increasing psychological pressure because I could not see my work yielding immediate results that could contribute to halting the Israeli aggression.

Later, I realised that our activity needed patience and a belief in a strategic vision. The Goldstone Report proves that the world has changed its attitude in dealing with war crimes committed against us. This is not merely a coincidence. It is an outcome of activities implemented by many Palestinian organisations in the field of the International Law over many years.

### Tareq Zaqqout

#### Field researcher in the areas of central and southern Gaza

I joined Al-Haq as a field researcher about a year and a half ago, six months after Israel waged the war on Gaza. Back then, I did not have much experience in field research. However, I learned techniques of accurate monitoring and documentation during the war and enhanced my skills in covering escalating events.

Except in some remote areas, Gaza residents deal positively with human rights activists. Tragically, however, remote areas are nowadays subject to frequent Israeli attacks, thereby further complicating our function as field researchers. In addition to monitoring violations, we are also under pressure to explain the significance of our role to affected citizens.

Apart from telephone conversations or video-conference meetings, I have not been able to meet with my colleagues in the West Bank. This is undoubtedly painful. For example, I got married several months ago, however, my colleagues in the West Bank could not share my happy occasion due to the Israeli blockade. I hope that the situation improves and I can meet with my peers in Ramallah soon.



### Manaf Abbas,

#### Coordinator of the Visual Documentation Unit

I have been working at Al-Haq for eight years, during which time I have worked as a field researcher in the areas of Ramallah, Jerusalem and Northern Jordan Valley. Currently, I am establishing the Visual Documentation Unit, which will enhance our work mechanisms. We will be using photography as a technique of documenting violations committed by the Israeli occupying authorities or Palestinian Authority against Palestinians. In addition, the Unit will produce some media reports on various impingements and post them on Al-Haq's website. Materials will also be exhibited to visitors and at international forums in order to expose Israel's practices to international public opinion.





## Dr. Lily Feidy

### Palestinian Human Rights Organisations' Activity needs further cooperation and networking

**A general assembly and board of directors are a significant component of any organisation because they contribute critically to the planning, formation and implementation of its general policy.**

**“AKHBARONA” met with Dr. Lily Feidy , Board Member of Al-Haq, who articulated her vision on civil society organisations' activity in general, and Al-Haq's operation, in particular.**

*How do you evaluate activities carried out by Palestinian human rights organisations?*

It is true that few human rights organisations are in operation, but these few have managed to make innumerable achievements in both quantitative and qualitative terms. In addition to monitoring human rights violations perpetrated by the Israeli occupying authorities, Palestinian human rights organisations document infringements committed by the Palestinian Authority (PA).

It can be argued that the operation of Palestinian human rights organisations has been more difficult following the establishment of the PA. However, activity is not only restricted to monitoring and reporting human rights atrocities, it also raises citizens' awareness of their rights and the fact that no one can legally impinge on them. As the PA usually prescribes obligations to citizens, human rights organisations are assigned to disseminate public rights. However, the situation has become more complicated after Hamas seized control over Gaza. Personally, I do not see a balanced coverage of the Palestinian internal affairs by human rights organisations. The majority are unjustly harsh to the PA in Ramallah. Despite the fact that we hear about many atrocities by Hamas in Gaza, relevant organisations do not monitor them. For example, Hamas stipulated that human rights organisations should have a permit to convene, but Dr. Salam Fayyad's Government does not do so.

Hamas' violations also involve intervention into matters of personal freedom, including smoking by girls or women riding motorcycles behind their husbands. Such violations are not monitored. Although these are fundamental human rights, human rights organisations gravely neglect reporting on these infringements. Violations are not only associated with imprisonment and torture. There are also many invisible violations which need monitoring and reporting, such as those I have mentioned above.

*Is there cooperation between local civil society organisations in relation to human rights?*

Civil society organisations hold joint meetings and send reports to one another. However, more cooperation is required. I mean that the mission of these organisations should be delivered to the largest number of target groups, including juridical persons, university professors, students, grassroots institutions, and civil society actors. Additionally, operations must not be restricted to organisations established in central West Bank (i.e. Ramallah), but we should endeavour to reach the north and south as well as consolidate our working relationships with civil society organisations there.

*How do you evaluate your experience with Al-Haq?*

I have been a member of the Al-Haq General Assembly for ten years. I view this experience positively in



light of Al-Haq's excellent reputation on local and international levels. A distinguishing attribute of Al-Haq is the smooth transfer of power. Over my career, Al-Haq has successfully undergone the transition between three directors general. My working relationship with them has been positive and based on mutual respect.

I take care to attend Al-Haq's meetings and review all respective reports and investigations. The Board of Directors convenes every three months and the General Assembly once a year. The Board and General Assembly are tasked with making Al-Haq's policies and establishing operational rules. Al-Haq's Director General is assigned with the implementation of these policies and rules.

*What advice would you say to the Al-Haq staff?*

To keep up with their good work. Their function is very important in the context of prosecuting Israeli war criminals and bringing them to international justice.

## Al-Haq Organises Training Seminars on Documentation

**Ramallah - During the month of February 2010, the International Humanitarian Law Programme at Al-Haq held a series of training workshops on legal methods of documenting various human rights violations committed throughout the occupied Palestinian territory.**

### Training Seminar on Documenting Torture Crimes

Held on 10-11 February 2010, the first training seminar addressed methods of documenting crimes of torture. On the first day, Advocate Nasser Rayyes elaborated on the concept of torture from the perspective of relevant international human rights conventions. Rayyes made a thorough presentation on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly in 1984 and entered into force in 1987. Rayyes explained that the most significant provision under the Convention is the specific definition of torture. According to Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed...” These actions are incriminated by the Convention because they deny intentions of the United Nations Charter and violate fundamental human rights and freedoms, which are explicitly prescribed by the Universal Declaration of Human Rights. Rayyes also elaborated on UN mechanisms of protecting human rights on the national, regional and international spheres. In this context, the UN Committee Against Torture – a body of 10 independent experts – monitors implementation of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. With the aim of curbing them, the Committee monitors and investigates facts on cases of torture committed by State Parties.

Rayyes then addressed domestic legislation and its consistency with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He made clear that Palestinians not only need to enact legislation that is in line with the national interest, but legal provisions should also be supported by mechanisms that ensure due enforcement.

On the second day, Sha'wan Jabarin, Al-Haq's Director General, delivered training on torture documentation mechanisms. To this avail, Jabarin identified the nature and components of torture monitoring and emphasised that evidence effectively collated by field researchers would help persons subjected to torture file actions against perpetrators. When presumptions are scientific, abused persons will be able to win their cases.

Advocate Rafeef Mujahed, Coordinator of Al-Haq's International Humanitarian Law Programme, stated that the primary goal of this training seminar was to convey Al-Haq's experience of documenting cases of torture to other organisations, taking into account that Al-Haq enjoys a extensive expertise in this area. Documentation will raise public awareness on the gravity of the torture crime as well as on methods to combat it and bring perpetrators to national and international judicial circles.

It should be noted that the training seminar brought together representatives of the Palestinian Coalition Against Torture, including the Treatment and Rehabilitation Centre for Victims of Torture (TRC); Hurriyat – Centre for Defence of Liberties and Civil Rights; Addameer Prisoners Support and Human Rights Association; Jerusalem Legal Aid and Human Rights Centre; Defence for Children Centre; and Palestinian Centre for Human Rights. Additionally, two non-

member organisations took part in the said event, including Women's Centre for Legal Aid and Counselling and Defence for Children International – Palestine Section (DCI/PS).

### Training Seminar on Documenting Damage Caused by the Wall

On 15-16 February 2010, in cooperation with the National Committee for the Register of Damage and Ministry of Agriculture, Al-Haq held a training seminar on techniques of documenting damage resulting from the construction of the Annexation Wall.

On the first day, Advocate Nasser Rayyes elaborated on the concept of protecting property under the International Humanitarian Law. Nina Atallah, Head of Al-Haq Monitoring and Documentation Department, also made a presentation on the definition, causes and methods of documentation. Bringing together 32 participants from the Ministry of Agriculture, the training seminar was inaugurated by Mr. Tayseer Khaled, a member of the Executive Committee of the Palestine Liberation Organisation and Chair of the Palestinian National Committee for the Register of Damage Caused by the Construction of the Wall. Khaled expressed his dissatisfaction with the UN activity in this issue, said it was carried out in marginalised areas, not in locales that have suffered grave damage by the Wall.

Khaled also criticised the Palestinian Authority for not operating an inclusive database on damage arising from Wall construction. “When we ask ministries, they commonly answer that the Wall has caused a grave damage but they do not provide accurate figures.” Khaled concluded.

### Training Seminar for Supervisors and Teachers

Over 22-23 February 2010, Al-Haq organised a training seminar on documentation mechanisms in light of the International Humanitarian Law in cooperation with the Palestinian Ministry of Education and Higher Education. Bringing together 34 supervisors

and teachers from 16 Ministry of Education District Offices in the West Bank, the seminar briefed participants about mechanisms used for documenting Israeli violations of the right to education. Through relevant educational programmes launched by the Ministry of Education and Higher Education, teachers and supervisors would convey these mechanisms to students in an academic and accurate manner.

It should be noted that this training seminar is part of previous and future workshops held by Al-Haq in collaboration with the Palestinian Ministry of Education and Higher Education.

### Participants' Views

Participants articulated their satisfaction because these training seminars provided them with new and valuable information. Jalal 'Ubeido, a trainee from the city of Hebrin, stated that his perception of documentation was completely altered. Whereas he had thought that documentation was a difficult and complicated task, he discovered it was very simple, but needed strong and accurate observation.

Isma'il al Jayyousi, a participant from the town of Jayyus in the governorate of Qalqiliya, explained that his own documentation method was not accurate. Now, he feels that he has come across the necessary principles of documenting the damage arising from the construction of the Wall in a sound, scientific manner.

### Transmission of Expertise

Advocate Rafeef Mujahed, Coordinator of Al-Haq International Humanitarian Law Programme, explained that the foregoing training seminars are part of a series of activities that would build national institutions' documentation skills so that they can register damage caused by the Wall on a sound and scientific basis. These seminars would also provide academic material, which can be used to prosecute Israeli officials before international courts.

### Reflections on my time with Al-Haq



By: Joan Nolan

While I have had the privilege of living and working in several countries, my time in Palestine stands tall in my life and I'm quite sure it will feature as a main highlight. What has made this experience so special and significant has been Al-Haq. From the minute I walked through the office door, I was welcomed with open arms and smiling faces and made to feel at home by each and every member of staff. As I got to know the many, great people working with Al-Haq, my initial positive impressions grew as did my respect and admiration for the work in which Al-Haq is engaged. It took me a while to learn about the different arms and legs of the organisation, to become familiar with how it functions and to fully appreciate the difficult and complex environment in which it operates. By the time I was leaving I was simply amazed at how dynamic, flexible and <on the ball> Al-Haq is. While during the internship I got to learn about some of the critical, complex and sensitive legal issues with which Al-Haq, I also had the opportunity to see how it advocates for accountability for human rights violations and how it manifests its commitment to fight for respect for Palestinian human rights.

At the same time I have been deeply shocked and saddened by the prevalence and scale of human rights violations committed against Palestinian men, women and children by the Occupying Power. Seeing at first hand the continuous, systematic and discriminatory nature of these abuses has left an indelible mark on me. Sharing an office with a lawyer who every single day has to go through a degrading and tiring checkpoint (Qalendia) at the end of her long and hard day at work became more and more unacceptable to me as each day passed and the reality of her situation sank in. Worse still, I knew that her situation is shared by so many others and that it is only one example of the many ways in which the lives and rights of Palestinians are being affected by the policies and practices of the occupation. This I found deeply troubling. Seeing the Wall and understanding what it means; passing by hill upon hill with only the stems of chopped down ancient olive trees left; not being able to escape from the sight of the expanding illegal settlements or avoid the Israeli military presence; hearing directly from the young man that can no longer farm his land because the Wall cuts through his small village and that his neighbours, being told that 12 year old children are being held in detention because they threw stones at soldiers; listening to a mother tell of how three of her children are deaf and her belief that this is linked to the Israeli owned chemical factory across the road from her home - these are all part of the things that I have seen and heard during my time in the West Bank. While Al-Haq has documented such abuses for over 30 years there is clearly still a need for its work. Al-Haq's willingness to do the best it possibly can, to work to the highest standard it possibly can and to stretch itself as far as it possibly can remains with me as a seed of hope. Its Director, Shawan, vividly demonstrates to me that one man can make a difference – and is making a real and valuable difference.

I am extremely grateful for having had the opportunity to complete an internship with Al-Haq. My time with Al-Haq went far too quickly but the memories, new friendships and learning I hope will stay with me for life. This experience has helped me to reconnect with the principles of community development, of believing in and promoting positive social change, of valuing the power of collective action, of striving for equality and fair treatment for all and, above all else, not accepting anything less.

The warmth and energy of the Palestinians with whom I have crossed paths, their generosity and hospitality coupled with the richness of Palestinian culture, its music, poetry, dance, food and crafts is imprinted and will treasured in my mind and heart. For this, I thank all at Al-Haq.



# Latest Releases

## Al-Haq Criticises Additional Respite for Investigation of War Crimes in Gaza

3 March 2010 – Al-Haq has criticised the recent United Nations General Assembly (UN GA) resolution, granting Israelis and Palestinians an additional period of five months to conduct further investigations on violations of international humanitarian and human rights law, which both sides have been accused of committing during the Israeli offensive on the Gaza Strip in December 2008 and January 2009, code-named ‘Operation Cast Lead’.

Al-Haq confirmed that the UN GA resolution from 26 February 2010 prolongs the accountability process by extending the three-month recommended deadline in the Report of the United Nations Fact-Finding Mission on the Gaza Conflict (the Mission's Report) for the responsible parties to carry out domestic investigations in compliance with international standards, to an additional five months.

Al-Haq emphasised that both Israelis and Palestinians should comply with their legal obligations, as provided by the Report of the United Nations Fact Finding Mission on the Gaza Conflict. The reported five-month period should be the last chance given to both parties to carry out fair and reliable investigations.

Furthermore, Al-Haq urged the UN Secretary General to evaluate the domestic investigations carried out by the responsible parties. As such, he should establish a committee of legal experts on international humanitarian and human rights law to assess the implementation of the UN GA resolution. Al-Haq also called upon the Government of Switzerland to re-convene as soon as possible a conference of the High Contracting Parties to the Fourth Geneva Convention. The conference should discuss measures to be taken with respect of enforcement of the Fourth Geneva Convention throughout the Occupied Palestinian territory, including East Jerusalem (OPT).

In November 2009, UN GA granted Israel and Palestinians three months to conduct domestic investigations in accordance with international standards following the Mission's Report. The Fact Finding Mission on the Gaza Conflict, chaired by South African Justice Richard Goldstone, investigated violations of international humanitarian and human rights law committed by all duty-bearers in the OPT with focus on ‘Operation Cast Lead’.

By the end of the allotted period (i.e. on 5 February 2009), UN Secretary General Ban Ki-moon submitted a report to the UN GA. The Secretary-General stated declared that he could not determine whether Israel and Palestinians had complied with the request that the UN GA made in November 2009.

## Al-Haq Welcomes Decision of the European Court of Justice to Exclude Settlement Products from Trade Transactions between European Union and Israel

2 March 2010 – Al-Haq welcomed the decision entered by the European Court of Justice, which deemed that all commodities produced in Israeli settlements in the West Bank could not benefit from the customs exemption regulation provided under the Trade Agreement between the European Union (EU) and Israel.

The German Brita Corporation was about to import carbonated water, supplies and beverages produced by the Israeli Soda-Club factory based in the settlement of Mishor Adumim, east of the city of Jerusalem in the West Bank. The German corporation protested to the Court that German customs authorities refused to apply the customs exemption regulation to Israeli commodities because they were manufactured in the occupied Palestinian territory. The European Court of Justice decided that goods produced in the occupied West Bank would not fall within the scope of the region, in which the EU-Israel agreement is applicable. Accordingly, settlement-based commodities would not benefit from the operative customs exemption regulation. “Therefore, the German Customs Authorities my refuse to apply the customs exemption regulation, which the Agreement provides, to the commodities in question because they originate in the West Bank.” the Court decided.

## Al-Haq safeguards the independence of the Special Rapporteur on the Occupied Palestinian Territory

25 February 2010 – otherhas ,In an open letter, Al-Haq jointly with 20 organisations demanded that President Mahmoud Abbas urge the Palestinian delegation to abandon the request for withdrawing or postponing the Report and officially include it on the agenda of the Human Rights Council's session on the situation of human rights in the occupied Palestinian territory, scheduled in March 2010.

“Reported information about the official position of the Palestinian delegation to the Human Rights Council in Geneva asserts that the Palestinian

effort concentrates on attacking and attempting to exclude the Report of the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied in 1967 as well as Mr. Richard Falk himself.” Al-Haq and other groups announced.

According to Al-Haq and other groups, Palestinian criticisms of the report are not based on an objective reading of the Special Rapporteur's role and powers. It cannot serve as an acceptable justification to request that discussion of the report be put off until June 2010 or to exclude the Special Rapporteur.

The argument claiming that the Report in the current Human Rights Council's session would intensify the state of Palestinian internal division or disrupt Palestinian reconciliation efforts is viewed as an irrelevant excuse. It further jeopardises Palestinians' rights and is inconsistent with the roles and duties, which representatives of the Palestinian people at international forums are expected to fulfil. Moreover, the independence of UN Special Rapporteurs must be safe-guarded, especially in light of Israel's and their allies' attacks on the existence of a post such as that of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied in 1967.

“We believe that such an action will not serve Palestinian human rights at international forums. Mr. Falk has been subject to severe criticism by Israel, which demanded that he be deposed and accused him of bias with the Palestinian side as well as anti-Semitism. Having detained him, Israel prevented Mr. Falk from accessing the Palestinian territory and forced him to return on board the same plane,” Palestinian NGOs added.

“We note that the official Palestinian position has been reflected negatively on other countries, international bodies and human rights organisations.”

Along with other NGOs, Al-Haq called upon the Palestinian delegation to the Human Rights Council to support Falk's report and urge members on the UN Human Rights Council to with support it. Al-Haq also insisted that attacks on the Special Rapporteur be halted immediately.

Additionally, Al-Haq demanded that President Mahmoud Abbas urge Palestinian delegations at international forums to coordinate their efforts with Palestinian human rights organisations and civil society actors to safeguard further international support to develop a mechanism for overseeing implementation of recommendations provided by the UN Fact-Finding Mission on the Gaza Conflict, as well as other reports on the situation of human rights in the occupied Palestinian territory.

## Al-Haq Denounces Israel's Decision to Convert a Settlement-based Institute into a University

20 February 2010 – Al-Haq has denounced current steps taken by the Israeli Government to convert an educational institute into a university in a settlement in northern West Bank.

Approximately six months after Israeli Minister of Defence Ehud Barak's decision, the Israeli army officially recognised the “Judea and Samaria Institute” in the settlement of Ari'el as a university in February 2010.

In a press statement, Al-Haq confirmed that Israeli settlements are the largest obstacle to the enforcement of the Palestinian people's right to self-determination and establishment of an independent Palestinian state. Settlements alter the demographic composition in the West Bank, including in East Jerusalem, which Israel relentlessly seeks to Judaize. In addition to the Separation Wall, Israeli settlements besiege and isolate Palestinian residential locales, denying territorial contiguity between them.

According to Al-Haq's statement, principals of universities never support reconciliation with occupation, colonisation and annexation. Al-Haq called upon states, parties and movements, including solidarity groups with the Palestinian people, not to cooperate with this “university” as well as not to recognise efforts made by the occupying State of Israel to legitimise illegal settlements by such a false enterprise.

## Al-Haq Denounces Israel's Assault on Palestinian Human Rights Defenders

16 February 2010 – Al-Haq has released a press statement, denouncing the Israeli Government's decision to prevent Khalil al Tufkaji, a Palestinian maps expert, from leaving the Palestinian territory for a period of seven months.

On 8 February 2010, Elli Yishay, Israeli Minister of Interior, passed the decision upon a recommendation from the Israeli Intelligence agency (Shabak). Yishay stated he was convinced that Tufkaji's travel would jeopardise “security of the State”. Therefore, he ordered that Tufkaji be prohibited from travelling abroad until 2 August 2010.

Al-Haq believes that the prohibition falls within a context of an Israeli trend of imposing arbitrary restrictions on human rights defenders in the occupied Palestinian territory. Al-Haq also asserts that such Israeli measures aim to impede Palestinian civil society organisations from monitoring Israeli violations in the occupied territory and lobby opponents worldwide.

## UN Human Rights Council and Urgency to Hold Israel Accountable

15 February 2010 – Al-Haq submitted a joint statement to the UN Human Rights Council on its 13th Session, affirming that Israel should be held accountable for the crimes it perpetrates against Palestinian civilians. In the interest of sustainable peace and justice, Al-Haq urged the Human Rights Council to ensure that Israel is held accountable for its violations of international humanitarian and human rights law.

Also signed by the BADIL Resource Centre for Palestinian Residency and Refugee Rights as well as by Defence for Children International, Al-Haq's joint statement explained that Israel's continued violations of international law in the occupied Palestinian territory reflects a long-standing culture of impunity, and that actions must be taken by the international community to put an end to this prevailing state. As such, has the joint statement called on the UN Human Rights Council to bring an end to the illegal blockade which has been imposed by Israel on the occupied Gaza Strip for over 1.000 days.

Al-Haq also called upon the UN Human Rights Council to establish a committee of international experts of international humanitarian and human rights law and criminal investigations, in the event that the UN General Assembly failed to do so. The committee should monitor and evaluate domestic investigations conducted by the responsible parties mainly during the course of the Israeli offensive on the Gaza Strip over a year ago. In this respect, Al-Haq highlighted the need for the committee to also benefit the UN Secretary General, who in turn will report to the UN GA on domestic investigations carried out by responsible parties by July 2010.

## Calls for Protecting Ma'manullah (Mamilla) Cemetery

13 February 2010 – In an open letter, Al-Haq Jointly with petitioners whose human rights have been violated and non-governmental human rights organisations, demanded that international experts of the United Nations, including the High Commissioner for Human Rights, Special Rapporteur on the Freedom of Religion or Belief and Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, to take urgent action in light of Israel's destruction of the Islamic Ma'manullah (Mamilla) Cemetery in West Jerusalem.

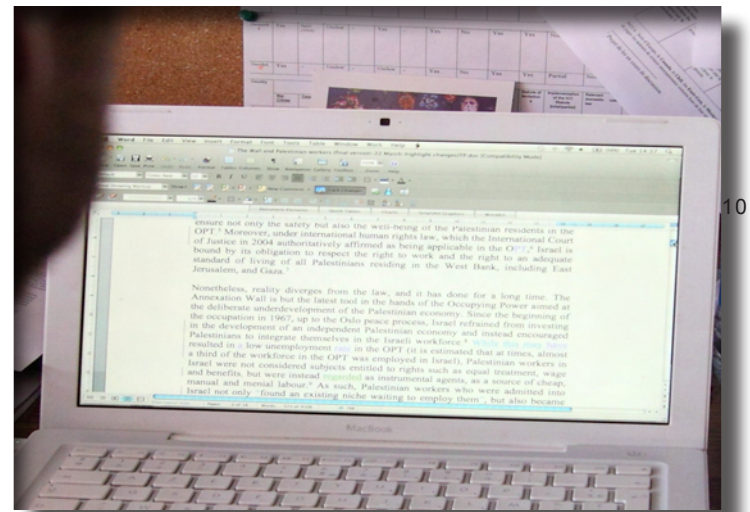
The letter is in response to the permit granted by the Israeli authorities to the Simon Wiesenthal Centre to construct a museum to be called “Tolerance” on a piece of land belonging to the cemetery, which is located in the western section of the city of Jerusalem. Dating back to the 7th century A.D., the Ma'manullah (Mamilla) Cemetery houses remains of a number of companions of the Prophet Mohammed, Islamic prominent figures, and members of Jerusalemite families.

Construction of such a structure on a holy site violates the right to freedom of religion and religious manifestations as well as protection of cultural heritage and property.

Al-Haq's open letter demanded that the United Nations take action to immediately halt construction activity on the Ma'manullah (Mamilla) Cemetery. Al-Haq also called that a record of exhumed remains be developed so that they could be reburied. Another record of damaged archaeological artefacts should also be compiled in order to maintain and restore them to their original locations.

Al-Haq's open letter emphasised that the Ma'manullah (Mamilla) Cemetery as a whole should be declared as an archaeological site, the preservation and management of which will be assigned to the Islamic Waqf (Endowments) Department in the city of Jerusalem.

## Al-Haq Suspicious of the Validity of Investigations on Human Rights Violations during Israel's Offensive on Gaza



February 2010 – Along with Palestinian, Israeli and international human rights organisations, Al-Haq has sent a joint letter to Dr. Abdul Salam at Tureiki, Chair of the United Nations General Assembly (UN GA), expressing suspicion of the validity of the conclusions of internal investigations conducted by the Israelis and Palestinians about violations, which each party perpetrated against relevant international laws and customs in the course of the Israeli offensive on Gaza over a year ago.

Signatories expressed their concern that investigations were not “independent, reliable or consistent with international standards relative to monitoring grave violations of the International Humanitarian Law and International Human Rights Law” in accordance with the UN GA Resolution, adopted on 5 November 2009.

For example, Al-Haq's letter made clear that the persons who carried out investigations in Israel already had hierarchical or institutional working relationships with alleged perpetrators. The processes themselves therefore require investigation.

More than a year after the military operation ended, Israeli investigations have not resulted in the enforcement of adequate accountability measures. Only one Israeli soldier has been prosecuted because he had stolen credit cards. Two officers were subjected to disciplinary measures because they fired bombs on inhabited areas. According to an Israeli government report, these officers “violated orders issued by their commanders”.

In reference to investigations carried out by the Palestinian side, Al-Haq reported that the Gaza deposed government issued a statement, affirming that rockets launched towards Israel targeted military objects – a claim which all available evidence repudiates. On the other hand, the Palestinian Authority in the West Bank established a fact finding committee and only released a few statements in this regard.

Al-Haq's letter also urged the UN GA Chair to employ all available instruments in order to expedite the accountability process by establishing an independent committee. To comprise international experts on International Law and criminal investigations, the committee will be tasked with monitoring and evaluating the efficacy of local investigations.

## Al-Haq Welcomes Arrest Warrant against Livni in the UK

28 January 2010 – In a press release, Al-Haq has welcomed an arrest warrant issued by the UK Westminster Court on 13 January 2010 against Tzipi Livni, former Israeli Minister of Foreign Affairs. According to the arrest warrant, Livni was charged with sharing responsibility for war crimes perpetrated by the Israeli army during the offensive on Gaza last year.

Al-Haq asserted that the arrest warrant was an important step in the course of the international struggle against perpetrators' impunity of war crimes and of other impingements on International Law.

It should be noted that developments ran counter to Palestinian aspirations. Later, British Prime Minister Gordon Brown apologised to Livni, asserting that he would welcome her visit to the UK at any time.

## Letter to Abbas and Haniya to Launch Internal Investigations on Violations Committed during Israel's Offensive on Gaza

14 December 2010 – In participation with other Palestinian civil society organisations, Al-Haq sent separate letters to President Mahmoud Abbas and Isma'il Haniya, deposed Prime Minister, calling them to immediately launch internal investigations on grave violations of the International Human Rights Law and International Humanitarian Law during the Israeli offensive on the Gaza Strip early last year.

In pursuance of the United Nations General Assembly Resolution A/RES/64/10, these investigations will



Al-Haq letter to President Mahmoud Abbas Regarding the Palestinian National Authority’s implementation of relevant legal obligations resulting from the Palestinian unilateral ratification of CEDAW

Date: 8 March 2010

His Excellency President Mahmoud Abbas,

Chairman of the Executive Committee of the Palestine Liberation Organisation,

President of the Palestinian National Authority

Regards,

Subject: Palestinian National Authority's implementation of relevant legal obligations resulting from the Palestinian unilateral ratification of CEDAW

Jointly with Palestinian human rights organisations, AL-HAQ welcomes the promulgation of the Presidential Decree No. (19) of 2009 Concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Compared to Arab countries, AL-HAQ further considers the Presidential Decree as a pioneering Palestinian step that furnishes a mechanism and means towards dealing with international conventions and agreements regulating women's rights.

Your Excellency,

Highly appreciating your distinctive position and role as to honour Palestinian women, recognise their rights and admit their primordial status in the national struggle and development process, we hope that Your Excellency carry your initiative a step forward by translating and applying PNA's ratification of CEDAW on the ground. Accordingly, PNA government bodies will need to adopt and implement all obligations prescribed by CEDAW, including:

To implement the principle of equality of men and women in the domestic legislation in force in the West Bank and Gaza Strip, and ensure the practical realisation of this principle by repealing and suspending any contradictory regulations.

To take legislative and administrative measures that prohibit any discrimination against women, provide legal protection against discrimination, support as well as empower women to access justice institutions by annulling any restriction or provision that denies women's right to resort to justice facilities.

To grant Palestinian women equal opportunities identical to those of men in the representation of their government and participation in activities launched by international organisations.

To promote equality between women and men in economic and social life and eliminate discrimination against women in economic and social activities.

To accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, women shall be given equal rights to conclude contracts and to administer property and shall be treated equally in all stages of procedure in courts and tribunals. Women shall also have the right to free movement.

To specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Your Excellency,

If left to the discretion of civil society, mobility and development in terms of public rights and freedoms, realisation of equality between men and women and implementation of CEDAW provisions will require a considerable amount of time and effort. To put

the Presidential Decree to effect, we hope that Your Excellency work towards the establishment of a national commission, which comprises representatives of all respective Palestinian bodies and institutions, to review the Palestinian legal system in force and ensure that all operative regulations are consistent with CEDAW. To this avail, Palestinian executive, judicial and legislative bodies will ensure that they observe and fulfil obligations posed by CEDAW. Thereby, we will practically ensure that provisions of inherited legislation, which discriminate against women, deny the equality between men and women, degrade or prevent women for enjoying a full legal capacity identical to that of men, are effectively annulled.

Your Excellency,

Should we really want to adopt, respect and implement CEDAW, establishment of the said national commission will be a compulsory task and legal obligation that is expedient for the sound enforcement of the Presidential Decree No. (19) of 2009 Concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Therefore, we hope that the International Women's Day of 2010 mark a new beginning for the real application of CEDAW provisions by the PNA.

Please accept the assurances of my highest consideration.

Sha'wan Jabarin  
Director General  
AL-HAQ

Al-Haq letter to Prime Minister Dr. Salam Fayyad Regarding Human Rights Concerns in the West Bank

Date: 6 February 2010

Dear Mr. Prime Minister,

Reference: LRAD- A 2010- M- 5-2.His Excellency Dr. Salam Fayyad  
Prime Minister  
Palestinian National Authority  
Ramallah, Palestine

Believing in the obligation to make a consolidated official and civil society effort towards establishing and promoting the whole set of Palestinian values, rights and freedoms in line with principles and norms approved and safeguarded by the international bill of human rights; confirming the duty of the Palestinian National Authority (PNA) and civil society organisations to meet their national and legal obligation to safeguard human rights and defend them against any action that undermines them or limits the scope of their exercise; to ensure that everybody respects human rights and freedoms and abstains from seizing, politicising or controlling their exercise, enjoyment and enforcement; and paying due attention to put in place the principle of the separation of powers, embody the principle of legitimacy and rule of law and recourse to the Palestinian Basic Law as a legal reference that regulates public rights and freedoms as well as PNA agencies' tasks and action, AL-HAQ has deemed it relevant to submit this Memorandum to Your Excellency in order to brief you on impediments and challenges affecting public rights and freedoms. These predicaments prevent us from developing our society and consolidating its cohesion, perseverance and hope of a better future.

Your Excellency,

AL-HAQ highly appreciates your honest approach towards establishing legitimacy and rule of law. On the ground, we have witnessed a qualitative and de facto transformation in the institutionalisation of PNA bodies. Citizens have perceived a termination of the phenomena of instability, armed chaos and other negative aspects of insecurity, which are now a legacy of the past. Despite the fact that we admit the serious and honest approach towards realising these achievements, we still face a number of challenges which are posing a real risk to public rights and freedoms. Should they persist, these challenges may lead Palestinian society and its civil institutions towards an ever more authoritarian power.

In addition to complaints and requests for legal advice submitted by individuals to AL-HAQ's Legal Research and Advocacy Department, reports by field researchers of AL-HAQ's Monitoring and Documentation Department reveal that a number of serious violations continue to take place. Grave infringements include the following:

1. Arbitrary detention on grounds of political affiliation In the West Bank, PNA security agencies continue to detain civilians accused of affiliating with the Islamic Resistance Movement (Hamas). Civilians are detained in line with arrest warrants issued by the Military Justice Authority in accordance with the 1979 Revolutionary

Penal Law of the Palestine Liberation Organisation. Arbitrary detention is illegal as it violates the provisions of Articles (11 and 12) of the Palestinian Basic Law and Law of Penal Procedure No. (3) of 2001. Rulings of the Palestinian High Court of Justice – the highest judicial authority – clearly emphasise that the Military Justice Authority may not detain civilians. Pursuant to Article (112) of the Basic Law, only the Attorney General or the appropriate court is entitled to detain civilians even in a state of emergency. Therefore, security services, which exercise the judicial police power, must respect and enforce this procedure in the event they arrest any civilians.

2. Failure to present arrest and search warrants According to dozens of affidavits documented by AL-HAQ, Palestinian security officers do not present any legal warrants when they arrest or search civilians, limiting their approach to , verbally identify themselves and their mission and therefore gravely impinging on applicable procedures. Articles 29, 30, 39, 40, 41, 48, and 50 of Palestinian Law of Penal Procedure No. (3) of 2001 oblige law enforcement officials to present arrest and search warrants as well as to abide by of the applicable rules when they detain or search individuals. Additionally, Article (41) prescribes that “domiciliary searches must be conducted during the day, and houses may not be entered at night unless they are the scene of a flagrant crime or if exigencies so warrant”.

3. Circumventing the Palestinian High Court of Justice's rulings on the release of prisoners You have made a clear and definitive decision obliging official bodies and security services to respect and implement court rulings. Your decision manifests the truth of your serious and honest willingness to promote the rule of law and judicial independence, impose the respect of law and order, and reinstate the Palestinian Judiciary and consolidate its status and solemnity, which had been debilitated due to security agencies' disrespect of its decisions. As is apparent, however, security services have responded to this development with a logic of circumvention and elusion. Though security agencies are in principle committed to implementation of the High Court's decisions on the releasing of detainees, they frequently nullify the practical effects by detaining released persons under the pretext of other charges. In other cases, the named security service does implement the court decision, but the detainee would be arrested by another service within hours or days. In practice the original release order is deprived of any value. The detainee's family will be exhausted as they will need to go back to court and apply for a new release order. In addition to the High Court of Justice's decisions, security services also circumvent the decisions of lower courts. In this context, release orders are implemented, but affected persons are summoned and detained again. Undoubtedly, circumventing rulings of Palestinian courts indicates the security officers' disdain for the sovereign judiciary and sacred judicial decisions. So far, court decisions have not gained any value or respect. This attitude is a clear manifestation of a deep-rooted and prevalent culture of “circumventing and evading” the rule of law in cases where judicial decisions are in conflict with the security agencies' desires and trends. In accordance with Article (106) Palestinian Basic Law, such an action is

deemed to be a crime: “Judicial rulings shall be implemented. Refraining from or obstructing the implementation of a judicial ruling in any manner whatsoever shall be considered a crime carrying a penalty of imprisonment or dismissal from position if the accused individual is a public official or assigned to public service. The aggrieved party may file a case directly to the competent court and the National Authority shall guarantee a fair remedy for him.”

4. Continued exercise by the Military Justice Authority of the civil judiciary's jurisdiction In pursuance of the PLO Revolutionary Penal Law of 1979, the Military Justice Authority continues to exercise the power of issuing arrest warrants against Palestinian civilians. With disregard to scores of decisions entered by the highest Palestinian judicial authority, all detentions are conducted on grounds of arrest warrants produced by the Military Justice Authority. The Palestinian High Court of Justice has ruled that the Military Justice Authority should not have jurisdiction over civilians, who are intrinsically subject to that of the civil judiciary. Subjecting civilians to the jurisdiction of the Military Justice Authority and Military Prosecution is a flagrant infringement on provisions of the Basic Law. To this avail, Article 101(2) affirms that military courts may not have any jurisdiction beyond military affairs. Such an activity also clearly and gravely violates the provisions of Articles 6 and 30 under the Basic Law. Beyond doubt, a fair and independent judiciary is one of the most important safeguards of human rights and freedoms. A solemn and independent judicial system is an essential pillar of ensuring society's stability and security in political, economic, social and cultural fields. Should this guarantee be absent or undermined by impunity, atrocity, disregard for judicial independence, or military judiciary acting ultra vires, society will surely lose expedient components of stability, growth and development.

5. Interference in the affairs of associations According to complaints filed with AL-HAQ by charitable associations and civil society organisations, the competent department at the Ministry of Interior continues to infringe on the provisions of the Law of Charitable Associations and Civil Society Organisations and its respective regulations. Although these prohibit official authorities from intervening in meetings, elections, boards or members of associations and organisations, the Ministry of Interior insists on attending general assembly meetings and approving their elections. In some cases, the Ministry appoints and imposes board members or stipulates that certain nominees be excluded from the elections. AL-HAQ also noted that relevant departments have neglected the enforcement of High Court's decisions regarding objections against the Ministry of Interior's decisions and interventions. The combined action of the Ministry of Interior has rendered the freedom of incorporating charitable associations and civil society organisations worthless.

6. Torture and abuse

AL-HAQ would like to highlight major improvements in security services' treatment of detainees. We have witnessed a noticeable decline in torture and in cruel,

inhuman and degrading treatment of prisoners. As is obvious by relevant monitoring and documentation, incidents of torture have been isolated and sporadic. Torture and other forms of cruel, inhuman and degrading treatment would have not occurred if there had been clear and explicit Palestinian legislation that addresses various aspects of this crime. Effective regulations of PNA do not adequately cope with torture. Article 208 under the Jordanian Penal Law No. (16) of 1960, which is in force in the West Bank, provides that torture is a misdemeanour, not a crime. Hence, it is expedient that this deficiency be addressed and adjusted. AL-HAQ believes that the absence of proper legal provisions on torture has contributed to the creation of an environment, which enabled the exercise and spread of torture. Moreover, the public has increasingly felt that accountability and prosecution are lacking. We believe that the Executive should adjust this defect by enacting a regulation that will prohibit and put an end to torture. and ensure that torture will not be exercised under any political or governmental changes.

7. Dismissal from civil service on political grounds The PNA, s employment policy continues to be based on security vetting. Accordingly, administrative bodies do not employ or enter into a contract with any person, who is not recommended by Palestinian security agencies. Many are thereby excluded under the pretext of their political affiliation with Hamas, or with other similar movements. Hundreds of employees have been sacked on the same grounds. In the domain of citizens, rights to occupy public positions, an official policy of affiliation-based discrimination is prevalent in the Palestinian territory. The PNA does have the right to protect its institutions while maintaining security and order. This right, however, must not in any way become an obsession that questions citizens, loyalty. To occupy public functions is both a right and a freedom that must be provided to all citizens on an equal footing without any consideration of political or partisan grounds. In particular, the civil service is governed by rules and standards that allow competent bodies to hold accountable any employee who violates the code of professional conduct. Thus, no person is immune if they deviate or transgress from the work requirements prescribed by public administrations.

Your Excellency, Voicing its concern and fear of these persistent practices, AL-HAQ hopes that Your Excellency intervene as you deem fit and take the necessary measures to curb the reported violations and put an end to the resultant adverse outcomes and risks. In the course of promoting the procedures, you have progressed towards establishing security and reinstituting the rule of law and judicial independence. AL-HAQ also hopes that Your Excellency prioritise and pay due attention to these predicaments and challenges.

Respectfully Yours,

Sha'wan Jabarin  
Director General  
AL-HAQ



# MEETINGS

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## Al-Haq Briefs a UK Union Delegation on Reality of Israeli Violations in the Occupied Palestinian Territory

21 February 2010 – In its main offices in the city of Ramallah, Al-Haq received a UK union delegation, which visited the Palestinian territory in solidarity with the Palestinian people.

Sha'wan Jabarin, Al-Haq Director General, and Dr. Michael Kearney, legal researcher at Al-Haq, briefed the visiting delegation about the dangers posed to the Occupied Palestinian territory by Israel's unrelenting settlement activity, which aims to deny any possibility of establishing an independent Palestinian state. Israel also continues its policies of judaising Jerusalem; demolishing Palestinian homes; and imposing an intensified siege on the Gaza Strip. Jabarin and Kearney asserted that Israeli violations rise to the status of war crimes.

Jabarin and Kearney explained to solidarity activists, who were members of British labour unions and associations, the restrictions imposed by Israel on Palestinian workers. Sometimes even murders are reported. Israeli authorities also humiliate, persecute and abuse Palestinian workers, not only violating relevant international conventions and treaties but also the minimum standards demanded by human rights law.

Jabarin and Kearney also highlighted the significance of continued international support to the Palestinian people. In the context of campaigns launched in several European countries to boycott products of Israeli settlements, international support will contribute to deterring the occupying State of Israel from committing further violations against Palestinian civilians.

Al-Haq representatives made a presentation on Al-Haq's activity in relation to monitoring and documenting infringements of individual and collective human rights throughout the Palestinian territory occupied in 1967. By raising public awareness on respective risks and impacts, Al-Haq aims to put an end to Israeli violations and bring perpetrators to national and international courts of justice.

Finally, Jabarin and Kearney shed light on the collective effort made by Al-Haq in cooperation with Palestinian civil society organisations in order to incorporate international human rights norms within Palestinian legislation and public policies.



## Al-Haq Receives an International Solidarity Delegation

13 February 2010 – Al-Haq briefed a foreign solidarity delegation about the reality of human rights violations committed by Israel throughout the occupied Palestinian territory.

Al-Haq representatives received the international delegation, which comprised 40 members from various countries, including the USA and Europe, at the Protestant Hall in the city of Ramallah. Al-Haq legal researchers Natalie Tabar and Michael Kearney presented a briefing note about the situation in the Palestinian territory. In particular, successive Israeli governments have been implementing a systematic policy of settlement expansion. Additionally, the Annexation Wall has seized Palestinian land and exerted adverse pressures on the social, economic and psychological fabric of Palestinian life.

Tabar and Kearney elaborated on Israel's systematic policy of imposing restrictions on Palestinian civilians by setting up military checkpoints; seizing control of natural resources; and constructing settler bypass roads. Moreover, Israel uses internationally-prohibited weapons; impedes the work of medical staff; targets civilians; and destroys public infrastructure.

Al-Haq representatives also highlighted local and international campaigns launched by Al-Haq to raise public awareness on human rights issues and violations. Al-Haq has contacted local, regional and international bodies as well as implemented United Nations mechanisms to prosecute Israeli war criminals and lodge lawsuits against them before domestic and international courts.

In response, activists articulated their support and solidarity with Palestinians. Given that information transmitted to them at home is not always accurate, solidarity activists expressed a remarkable interest to learn about the real situation in the occupied Palestinian territory.

It should be noted that this delegation visited the Palestinian territory to take part in the Afforestation campaign organised by the Alternative Tourism Group and Christian Youth Association. Participants also visited the cities of Hebron, Bethlehem and Jerusalem and viewed the living conditions of Palestinian refugees in refugee camps as well as continued Israeli attacks, settlement expansion and Wall construction.



## Meeting with Ocampo and Calls for Palestine's Membership of the International Criminal Court

The Hague – In its pursuit to prosecute Israeli war criminals and hold them accountable, Annemarie Hearne is continuing to make efforts to secure membership for the Palestinian Authority (PA) on the International Criminal Court (ICC), which has jurisdiction over investigating and prosecuting perpetrators of war crimes, crimes against humanity and genocide.

To this end, Dr. Michael Kearney, legal researcher at Annemarie Hearne, visited the ICC's seat at the Hague from 1- 5 March 2010 and met with the ICC Prosecutor, Luis Moreno-Ocampo.

The meeting focused on discussing the possibility of recognising Palestine as a state, and consequently joining the ICC. According to the Rome Statute of the International Criminal Court, only states are eligible to refer to the Court.

In line with the principles of modern political science, Dr. Kearney argued that a state consists of a territory, a people and an authority. Despite fulfilling all these conditions, Palestine still lacks sovereignty. Ideally, Palestine would join the ICC in its capacity as a state. As argues by Dr. Kearney, the Rome Statute does not provide a definition of what constitutes a state.

The Israeli offensive on Gaza as well as war crimes perpetrated by Israeli occupying forces have generated debate over the existence of a Palestinian state on the ground. Recognition of Palestine as a state will enable it to lodge actions to the ICC

against violations committed by Israel throughout the occupied Palestinian territory. Early in 2009, the PA submitted an application to the ICC for prosecution of Israeli officials, who had been involved in perpetrating war crimes in the Palestinian territory since 1 July 2002.

In the course of negotiating the Rome Statutes, many states attempted to assign the Court with universal authority, but the proposal failed in light of opposition from the United States. State Parties, however, reached an understanding, agreeing that the Court shall only exercise its jurisdiction under the following circumstances: where the person accused of committing a crime is a national of a State Party (or where the state of the accused accepts that he be prosecuted); where the alleged conduct occurs on the territory of a State Party to the Court (or where the State on the territory of which the conduct occurs

allows the Court to hear the case); or where the case is referred to the Court by the Security Council.

With respect to the ICC's temporal jurisdiction, the Court has jurisdiction only with respect to crimes committed after the entry into force of the Rome Statute (on or after 1 July 2002). If a State becomes a Party to the Statute after this date, the Court may not exercise its jurisdiction retroactively.

It should be noted that many persons confuse the ICC with the International Court of Justice (ICJ). Whereas the former has jurisdiction over persons accused of perpetrating war crimes, crimes against humanity and genocide; the latter is competent to resolving conflicts arising between states.

### Al-Haq Meets EU Representatives in preparation for the EU-PA Subcommittee Meeting

16 February 2010 – Sha'wan Jabarin, Al-Haq Director General, and Wisam Ahmed, Al-Haq Programmes Director, held a meeting with Mr. Sergio Gimenez Ferrer and Mrs. Estelle Kadouch, representatives of the European Union (EU). The meeting was part of preparations made for the EU-PA Subcommittee Meeting on Human Rights, Good Governance and Rule of Law to discuss human rights violations committed by the Palestinian Authority.

### Al-Haq Consults with Human Rights Watch

23 January 2010 – In its main offices in the city of Ramallah, Al-Haq and other Palestinian human rights organisations held a meeting with representatives of Human Rights Watch. The meeting involved a general consultation and discussion as Human Rights Watch was about to publish its annual report on the status of human rights in the world, including in the occupied Palestinian territory.

### Al-Haq Holds a Meeting with a French Diplomatic Delegation

2 February 2010 – Sha'wan Jabarin, Al-Haq Director General, and Natalie Tabar, a legal researcher at Al-Haq, met with a French diplomatic delegation, including Bernard La Fin, Coordinator of Regional Cooperation in Justice Affairs at the French Embassy in Jordan; Radia Ojani, Humanitarian and Social Cooperation Attaché at the French Consulate in Jerusalem; Vani La Vorcad, University and Institutional Cooperation Attaché at the French Consulate in Jerusalem; and Pierre Charpentier, Project Coordinator at Bir Zeit University. Jabarin and Tabar briefed the French delegation about violations perpetrated by Israel throughout the occupied Palestinian territory.