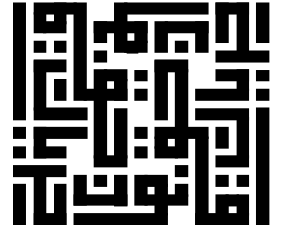


الهيئة الفلسطينية المستقلة لحقوق المواطن
THE PALESTINIAN INDEPENDENT
COMMISSION FOR CITIZENS' RIGHTS

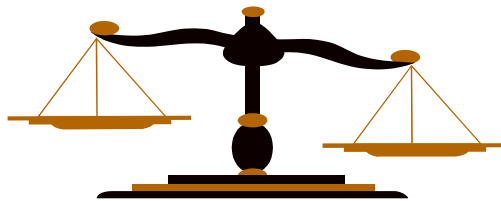


The Status of Palestinian Citizens' Rights

Ninth Annual Report

1 January 2003 – 31 December 2003

- Summary -



Summary of the Report

The **Ninth Annual Report** consists of three chapters and three appendices, which contain **PICCR's** observations and assessment of the status of citizens' rights in Palestine during 2003. It also presents the conclusions and recommendations that **PICCR** has reached through monitoring the many aspects of this status.

Chapter One of the report treats **Israeli violations of Palestinian citizens' rights** in five main sections. The first section treats the legal situation of the Palestinian territories; the second section treats Israeli violations of the right to life, physical well-being, and personal security; the third section treats Israeli violations against freedoms; the fourth section treats Israeli violations against civilian property; and the fifth section treats Israeli violations against the right to freedom of movement and the detrimental effects this has on the various aspects and areas of Palestinian citizens' lives in the occupied territories.

The Israeli occupation forces went to extremes in their violations of Palestinian citizens' rights during 2003. In response to Palestinian resistance—armed and unarmed—they used excessive and disproportionate force, employing heavy weaponry, such as F-16 fighter jets, helicopter warships, tanks, and machine guns.

During 2003, Israeli forces killed no fewer than 627 Palestinians, among them 123 children and 17 women. Those killed included 67 who were assassinated and 50 who died while carrying out operations against Israeli targets, whether within the reoccupied Palestinian territories or inside or nearby Israeli settlements. This is in addition to the 26 Palestinians who blew themselves up attacking civilian and military Israeli targets, and 24 Palestinians who were killed under ambiguous circumstances. The number of those injured exceeded 2,000.

The Israeli occupation forces also continued their campaigns of arbitrary arrest and detention during 2003, taking in thousands of Palestinians. Likewise, they detained relatives of those who carried out and planned bombing operations inside the Green Line, those who carried out and planned armed operations against settlers and soldiers inside the occupied territories, and those wanted by the occupation forces for activist involvement in resisting the occupation. As of 31 December 2003, the occupation authorities continued to hold 6,206 Palestinians in their prisons and detention centers, distributed as follows: 2,518 in central prisons, 3,397 in military detention centers, and 291 in other detention centers. Among the 6,206 detainees were 669 being held under administrative detention, 275 children, 77 women, and 117 being held in solitary confinement. Also among the detainees were Palestinian Legislative Council members Marwan Al-Barghouthi and Husam Khader; PLO Executive Committee member Abdel Rahim Malluh; Hasan Yousef, one of the leaders of Hamas; and other political leaders.

During 2003, Israeli attacks on medical crews' right to life and well-being also continued, resulting in the deaths of four medical personnel and injuring others. The occupation soldiers obstructed the work of ambulances, and some hospitals and medical centers were subjected to bombardment and storming, during which a number of patients and employees were injured and buildings were damaged. The occupation forces also continued their attacks on the life, well-being, and freedom of journalists and employees of domestic and international news agencies. Journalists were subjected to arms fire by occupation forces, leading to the death of two of them and injuring a number of others. Journalists were likewise subjected to beating and humiliation and were at times prevented from covering events or entering places where events were taking place.

Following the two bombing operations in Jerusalem and the Tserelim military camp near Ramla on 9 September 2003, on 11 September the Israeli government decided in principle to remove President Yasser Arafat (by exiling or killing him). This decision was made under the pretext that he is responsible for

bombing or armed operations inside Israel or in the settlements, as well as under the pretext that he is an obstacle to peace. This unjust decision came approximately two years after President Arafat was isolated and besieged in the Muqata'a headquarters in Ramallah.

Also during 2003, the occupation authorities exiled 24 Palestinians from the West Bank to the Gaza Strip. The policy of deportation or forcible exile or transfer carried out by the occupation authorities gained the support of the Israeli High Court of Justice, which issued a number of decisions affirming the soundness of military orders commanding exile of Palestinian citizens and their forcible transfer from the West Bank to the Gaza Strip.

Destruction of private property in various areas of the West Bank and Gaza Strip also continued, damaging at least 2,000 residential units, of which 790 were completely destroyed. The Israeli authorities continued their policy of demolishing houses owned by families of those who carried out or planned operations against Israeli targets, or who were wanted by the occupation forces for activist involvement in the Intifada. During 2003, more than 142 houses were demolished for this reason. Moreover, the occupation authorities continued to demolish Palestinian houses under the pretext of lack of permits, especially in occupied East Jerusalem and the neighboring or surrounding villages. During 2003, the occupation authorities demolished 61 Palestinian houses for this reason. The Israeli authorities also sealed off a number of Palestinian official and civil society institutions that provide services to citizens in East Jerusalem and the Hebron governorate.

During 2003, more than 3,570 dunams of agricultural land were bulldozed, and Israel hastened to build the separation wall around and deep into the occupied Palestinian territories in the West Bank. As of the end of 2003, construction on the separation wall had led to the appropriation of more than 60,000 dunams of land, most of which is located in the north of the West Bank and surrounding Arab Jerusalem. It also led to the uprooting of approximately 83,000 fruit trees, the destruction of approximately 37 km of irrigation networks, and the destruction of approximately 15 km of agricultural roads. The ramifications of the separation wall's construction have affected the lives of hundreds of thousands of Palestinian civilians.

The occupation authorities imposed siege and closure on Palestinian cities, villages, and camps in the West Bank for most of 2003. Under the pretext of security, Israel isolated Palestinian cities, villages, and camps in the West Bank from one another by placing mounds of stone, earth, and cement blocks on the main streets and at the entrances and outlets of all of them. As of the end of 2003, scores of permanent checkpoints guarded by soldiers remained in place, in addition to more than 600 barriers preventing or hindering the movement of people, goods, and vehicles. There were repeated closures of the border crossings connecting the occupied Palestinian territories to the outside world: Rafah Crossing between the Gaza Strip and Egypt, and Al-Karameh Crossing (the King Hussein bridge) between the West Bank and Jordan. Moreover, Palestinian males between the ages of 16 and 36 were prevented from traveling outside of the Palestinian territories from 1 January to 1 July 2003. East Jerusalem remained isolated from the surrounding Palestinian areas, and the West Bank and Gaza Strip remained completely cut off from one another.

Closure, siege, and curfews severely disrupted the educational process by preventing students and educators from reaching schools and universities. Siege and closure likewise prevented Palestinians from attending public prayers in the cities of Jerusalem and Bethlehem. This is in addition to the staggering losses they caused to the various sectors of the Palestinian economy, leading to the spread of unemployment and poverty.

Chapter Two of the report treats the status of citizens' rights in areas controlled by the Palestinian National Authority (areas "A" and "B" according to the Oslo agreement) and is composed of four sections. The first three sections treat the performance of the legislative, judicial, and executive branches of government, respectively, while the fourth section treats the executive branch's violations of Palestinian citizens' rights.

In the **first section**, PICCR presents and evaluates the performance of the **legislative branch** (the Palestinian Legislative Council, or PLC) in passing legislation and monitoring the executive branch. It notes difficulties that weaken the performance of the PLC and offers recommendations for improving the legislative branch's performance and strengthening its standing. The first part of this section looks at the main components of the PLC (its members, its committees, and the office of the speaker, along with the support staff), providing a brief description of the changes that took place during 2003. The second part details the PLC's legislative and oversight activities during 2003, and the third part presents PICCR activities that supported PLC work during the year.

The PLC, like all other Palestinian public institutions, is operating under difficult and complicated conditions that do not allow it to perform its role in a complete, normal fashion. With the passage of time, however, the PLC has begun to adapt to the unprecedented measures imposed by the occupation authorities. The creation of the office of prime minister reflected positively upon the council's activities, since the number of draft laws put forth by the Cabinet increased. Likewise, the PLC committees were active, and the number of questions posed by legislators to the ministers increased. In general, parliamentary work witnessed heightened activity during 2003, as compared to the past two years. The Cabinet presented 16 draft laws during the year, as compared to only 2 during 2002 and 5 during 2001.

During 2003, the PLC held 27 sessions: 15 regular sessions and 12 emergency sessions, one of which was held in secret. All council sessions during the year utilized videoconferencing technology, made necessary because some legislators could not obtain permits to travel from the Gaza Strip to Ramallah. During 2003, the PLC issued 73 decrees, as compared to 34 during 2002; these dealt with a number of issues and areas, including: the condemnation of various Israeli violations of Palestinian rights, expression of positions on weak points in the performance of the executive branch, as well as on general issues of concern to citizens, such as the rising insurance costs.

Despite these developments, the PLC was unable, for the eighth consecutive year, to overcome the internal problems that have persisted since its inception. It is clear that the PLC, in its current composition and situation, is unable to overcome the dominance of the executive branch and presidency, with all this would entail in terms of effective, independent work. Even though its mandate ended years ago, the PLC has not pushed strongly enough to hold new elections. As of the end of 2003, the General Elections Draft Law, which comprises one of the main bases for the next legislative elections, was still going back and forth within the PLC.

As of yet, there is no clear, agreed upon mechanism for the questioning of legislators who fall short in the performance of their duties. Likewise, there are no disciplinary penalties for violations of the provisions of the PLC bylaw. Not a small number of council members hold paid consultative and executive positions, whether in executive branch institutions or in nongovernmental institutions. Moreover, there are council members who do not participate at all in committees, or who participate only in sessions involving a vote of confidence for the government, or in sessions opened by the President of the National Authority.

The majority of PLC committees, which are 11 in number, continue to work without plans containing clear goals and priorities. In the absence of such plans, they are influenced instead by the agendas of committee members, especially the chairpersons and the clerks. Most of the time, the work of committees constitutes reactions to ephemeral or urgent issues. Further, committees' activities vary from each other,

depending on their chairpersons and clerks. During 2003, the activities of the Economic Committee, the Committee for Oversight and Human Rights, and the Legal Committee were prominent.

There were no changes to the structure of the PLC during 2003. After the resignation of the PLC Secretary (whose post remained vacant as of 31 December), some administrative aspects were put in order, as the Director General of the PLC reclaimed the responsibilities and powers afforded him under the council structure. The state of near total separation between the PLC's office in the West Bank and its regional office in the Gaza Strip continued.

Three Palestinian governments were formed during 2003, two of which were approved by the PLC. The third government, which was regarded as and called an emergency government, was not presented to the council for a vote of confidence. The Committee for Oversight and Human Rights submitted a report to the PLC; among the report's recommendations was that a motion of no confidence be passed for ministers Hisham Abdel Razek and Abdel Karim Abu Salah. In September 2003, 15 legislators, in a memorandum to the PLC Presidency, requested that the matter of withdrawing confidence from the government of Mahmoud Abbas (Abu Mazen) be placed on the council agenda.

The Council did not meet with success with regards to the government's compliance with the provisions of the Public Budget Regulation Law. The budget bill for 2004 was submitted a month after the scheduled date. As 2003 came to a close, the draft law was still under scrutiny by the PLC budget committee. Moreover, the executive branch, represented by the Ministry of Finance, submitted only two out of four quarterly reports on the progress in implementing the budget authorized for 2003. Further, the government did not submit the final accounts for the 2002 budget to the PLC, as it was legally obligated to do prior to the end of 2003.

The most important recommendations of this section are as follows:

1. The Draft General Elections Law should be passed promptly, so as to clarify the legal framework for the next general elections.
2. The elections system should be reviewed to encourage the emergence of parliamentary blocs and political parties. In this regard, **PICCR** emphasizes the observations it put forth in a letter sent to the chair and members of the PLC on 10 September 2002 concerning the elections system, particularly the following areas: the formation and mandate of the Central Elections Committee, the quota system, electoral districts, and elections propaganda and financing.
3. The PLC should use the powers vested in it to compel the executive branch to hold elections to local authorities as soon as possible.
4. The PLC should follow up on the executive branch to put in place the bylaws and regulation necessary for implementing various operative laws, such as the Labor Law, the Civil Service Law, and the Nongovernmental Organizations and Charities Law.
5. Improvement of the administrative infrastructure of the PLC and strengthening the capabilities of its employees should continue. There should be a special focus on addressing the problem of the duplicity of offices in the West Bank and Gaza Strip, as well as the increasing number of employees (whose number is nearing 600).
6. The PLC should assume its role in monitoring price setting for basic goods and services, such as fuel, water, and communications. The PLC is also called upon to take position on the fees imposed and collected by the various government institutions and local authorities, as well as to ensure that all of these fees are imposed, assessed, and collected in accordance with the law.

The **second section** of Chapter Two addresses the most important developments within the **judicial branch** during 2003, with a special focus on the amendment of judicial laws, the formation and jurisdiction of the regular courts, matters involving the Office of the Attorney General, the administration of Judiciary affairs, the religious courts, regulation of the legal profession, the special courts, and the difficulties and challenges that continue to confront the judicial branch or obstruct its work.

There were some new positive developments within the judicial branch during 2003, such as the appointment of a number of judges and assistants to the Office of the Attorney General. Further, the salaries of judges and members of the Office of the Attorney General were increased in application of the financial section of the **Judicial Authority Law of 2002**. Also during the year, the High Judiciary Council was re-formed, changes were made in the formation of judicial committees, and some courts were moved to modern buildings. This is in addition to the training of members of the judicial circuit, whether through training activities held in the West Bank and Gaza Strip or by sending trainees abroad.

The process of reform within the judicial circuit, which began in mid 2002, led to fulfillment of most judicial branch needs in terms of material and human resources. It also solved the problem of judges' low salaries. This notwithstanding, the judicial branch continued to face major challenges attributed to: non-implementation of court rulings and judicial decisions, intense conflicts between the Ministry of Justice and the High Judiciary Council, the backlog of cases and slow pace of case review and settlement, contravention of laws by high officials in the executive branch, the absence of judicial inspection, and the failure of the Office of the Attorney General to fulfill all of its tasks and duties, especially in investigating cases where citizens were killed.

Although the body of judicial laws issued in 2001 and 2002 encompass modern and developed laws, coming after thorough, in-depth study of the reality of the Palestinian judicial system and in response to its needs, the brief experience in practice has demonstrated an urgent need to amend some provisions of the Judicial Authority Law. There is a need to: reexamine some of the provisions of the Judicial Law to clarify the tasks and jurisdictions of the Ministry of Justice and the High Judiciary Council on the one hand, and to regulate the relationship between them on the other; reexamine the provisions related to the appointment of judges and members of the Office of the Attorney General, so as to ensure employment according to the criteria of seniority, experience, and qualifications; and re-institute the one-judge system, so as to increase the number of judicial committees in the courts of first instance, and thus speed up review and settlement of pending cases.

On 14 May 2003, President Arafat issued a decree ordering the formation of the High Judiciary Council with nine members. This decree is in keeping with the **Judicial Authority Law** in a number of ways. The formation of the new council with 9 members is in accordance with articles 37 and 81 of the law, whereas the transitional council had 11 members. Further, appointment of members to the new council was based on their positions of employment, and all members of the new council are less than 70 years in age, in accordance with article 34 of the law. The decree did, however, ignite a heated controversy among Palestinian jurists that was ongoing as of the end of the year, especially in relation to the appointment of an appellate judge (who had not yet completed one year of service on the court) as president of the court and a member of the High Judiciary Council. This is in contravention of article 19, paragraph 2, of the **Judicial Authority Law**, which requires that a person appointed president of an appellate court have served as a judge in one of its districts for at least five years.

During 2003, the High Judiciary Council continued to regulate and oversee the affairs of courts, judges, and administrative support staff. It also issued decisions ordering the re-formation of the High Court – Court of Cassation in Gaza and Ramallah with two districts, the High Court of Justice in Gaza with two districts and in Ramallah with one district, and the Court of Appeals in Gaza with two districts and in Ramallah with one district. This is in addition to the re-formation of all first instance and conciliation courts. Further, 20 new conciliation judges were appointed, 10 judges from conciliation courts were

promoted to first instance courts, 2 judges from first instance courts were promoted to appellate courts, and 6 judges from appellate courts were promoted to the High Court.

Despite the continuation of Israel's arbitrary and oppressive measures and practices against Palestinian citizens, lawyers were able to hold free and fair elections to the Bar Association on 11 July 2003. The Bar Association's elected board started to carry out its work in regulating the legal profession and strengthening its standing. It also took serious positions on some of the assaults to which the judicial branch is subjected, whether from within or without. Although only a short time has passed since the board was elected, its achievements have started to become apparent in a number of areas, foremost among them the strengthening of the relationship with the Arab Bar Association and the Palestinian legal institutions (official and nongovernmental). The elected board still faces difficulties, however, resulting primarily from the absence of syndicate traditions upon which it can draw when carrying out its work. This problem is compounded by the absence of the necessary regulations related to the formation and work of board committees.

No changes were made in the military courts during 2003, either in formation or jurisdiction. These courts continued to operate under the Revolutionary Penal Code issued by the PLO in 1979. The state security courts were abolished during the year, however, with a declaration issued by the former Minister of Interior, Hani Al-Hasan, on 14 April 2003. The abolishment of state security courts was then affirmed on 27 July 2003, when the former Minister of Justice, Abdel Karim Abu Salah, issued a decision explicitly ordering this measure. However, despite the former Minister of Interior's declaration and the former Minister of Justice's decision with regards to abolishment of the security courts, during 2003 **PICCR** monitored the transfer of two cases related to supply issues to the state security court in the Gaza Strip on 2 September. Thus, the matter requires a presidential decree explicitly abolishing the state security courts and transferring their jurisdictions to the regular courts.

The most important recommendations of this section are as follows:

1. In view of the questions raised regarding the legality and soundness of appointments made to the judicial branch, **PICCR** recommends amending the **Judicial Authority Law** so as to create a selection committee for the judicial circuit comprised of representatives of the PLC, the Bar Association, and the Minister of Justice, in addition to the High Judiciary Council.
2. The **Formation of Regular Courts Law** should be amended so as to abolish the system of three-member judicial committees in first instance courts and return these courts to the one-judge system, thereby increasing judges' productivity.
3. Judicial inspection should be activated, and future promotions should be linked to inspection results.
4. The Constitutional Court should be established quickly in view of the importance of the powers with which it is vested, especially the authority to review the constitutionality of laws and bylaws, to interpret the provisions of the Basic Law, and to settle jurisdictional disputes between judicial bodies and administrative bodies with judicial mandates.
5. There should be a decisive end to the non-implementation of court rulings and other judicial decisions. This requires enforcing the penalties and fines stipulated by the operative penal laws.
6. Judges and officials in the Office of the Attorney General should be provided the protection necessary to enable them to carry out their duties without reserve, fear, or bias.
7. No cases should be transferred to the state security courts. A presidential decree should be issued explicitly abolishing these courts.

The **third section** of Chapter Two focuses on the **executive branch** through monitoring and evaluating the performance of ministries and public institutions, civilian and security alike. It treats new developments related to the public budget, reform and rehabilitation centers (prisons), and the steps taken toward administrative, financial, security, and political reform.

Many new developments affected the performance and composition of the executive branch during 2003. Israeli attacks on Palestinian citizens and their property continued. Internal and external pressure was placed on the executive branch and the presidency to undertake security, political, financial, and administrative reforms. The executive branch did in fact take some steps on the path toward reform, the most important manifestations of which were the creation of the office of prime minister and the consequent separation between Cabinet meetings and what have been termed “meetings of the leadership.” Further, a number of public institutions and authorities were attached to the relevant ministries, and there was some progress as far as transparency in the management of public funds is concerned.

The office of prime minister was created to be independent from the office of President of the National Authority, and two prime ministers were appointed during 2003: Mahmoud Abbas (Abu Mazen) and Ahmad Qurei (Abu Ala^h). A Palestinian government was formed three times during the year. The first government, headed by Mahmoud Abbas, was formed during April 2003 and approved by the PLC on 29 April. It resigned on 5 September, however, due to internal conflicts and difficulties. On 5 October, a truncated emergency government was formed, headed by Ahmad Qurei and composed of eight ministers, but it was not submitted to the PLC for approval. The third government, composed of 24 ministers, was formed on 9 November and won PLC approval on 12 November. In the midst of these ministerial changes and formations, the following took place: the establishment of two new ministries (the Ministry of Women’s Affairs and the Ministry of Jerusalem Affairs), and the transformation of some ministries into public authorities (the Energy Authority) and some public authorities into ministries (the Ministry of Civilian Affairs and the Ministry of Communications and Information Technology).

On the level of achievements, the picture is complex and mixed. The Ministry of Education managed to finish out the school year with minimal losses, and approximately \$20 million from the 2003 public budget went to support universities. Primary education continued to suffer from a host of problems, however, the most significant being schools’ need for labs and libraries, athletic facilities, and computer equipment. This is in addition to the low salaries of employees in the sector of education. With regards to higher education, universities were still in need of more government financial support so as to enable them to lower tuition fees, improve curricula and employee cadres, and work on the incentive system to encourage faculty research and innovation. In the health sector, governmental, semi-governmental, and private health personnel exerted major efforts to provide vital services to citizens. The government worked to pay off a large portion of debts owed by the Ministry of Health to pharmaceutical companies. The wages of government health sector employees remained low, however, and patient rooms in government hospitals remained insufficiently clean. Further, the ministry’s oversight over hospitals, clinics, and pharmaceuticals remained beneath the required level. On the financial side, the Ministry of Finance achieved some important successes, such as taking stock of National Authority investments, partial application of the Civil Service Law, and application of the principle of budgetary unity and treasury unification between the West Bank and Gaza Strip. Nonetheless, its successes remained limited in the areas of reducing the unemployment rate, overcoming the expanding number of employees in the government bureaucracy, and improving tax collection rates and reducing tax evasion.

In general, the performance of the government was neither satisfactory nor at the level required. The government did not take any serious steps to control prices of basic goods or to monitor their quality. The Ministry of Energy did not work to put in place and implement a unified tariff for water and electricity. Further, the Ministry of Public Works and Housing was unsuccessful in reconstructing most houses that the Israeli occupation forces destroyed during past years. Likewise, the Ministry of Labor was not convincingly successful in alleviating much of the suffering of the unemployed. The Ministry of

Agriculture did not provide farmers with adequate support, despite their heavy losses due to the Israeli practices. The Land Authority (the former Ministry of Housing) did not commit to clear and public rules and criteria with regards to the management and administration of state lands. Nor did it exert the necessary efforts to take stock of these lands, register them, and pursue those who violate them through judicial and administrative means.

Despite the issuing of a presidential decree setting 20 November 2003 as the date for holding the second set of presidential and legislative elections, and forming the Central Elections Committee to prepare for them, the general elections did not take place on the set date, and the President of the National Authority did not issue anything indicating their postponement or cancellation. Moreover, as of the end of 2003, elections to the local authorities had not yet taken place, and the executive branch continued to resort to appointment as the means for selecting the heads and members of these authorities.

Some important developments in the work of the security agencies occurred during 2003, most prominently the attachment of the Preventive Security agency, the Police, and the Civil Defense to the Ministry of Interior. These three agencies were joined, along with their administrations, properties, and equipment, to the Ministry of Interior on 27 June 2002. Effectively, however, control over these agencies as well as the other security agencies remained in the hands of the President of the National Authority by way of his position as head of the National Security Council (which was re-formed at the beginning of October 2003). Some steps were also taken to re-order the financial situation of members of the security agencies, whereby their salaries were increased through changes in the official exchange rate for the dollar, which rose from 3.7 to 4 NIS. Also during the year, the salaries of members of the Police, Preventive Security, General Intelligence, and Civil Defense were transferred to their personal bank accounts after they had been paid to the leadership of these agencies, who assumed a role in the transfer process. This change affected 23,000 security employees.

Difficult and complicated circumstances prevented or hindered members of the security agencies from carrying out their responsibilities in a proper manner or at the level required. This notwithstanding, unjustified shortcomings and weak points in their work became apparent during 2003. For example, the security agencies failed to put a stop to security lapses, arms chaos, or the phenomenon of taking the law into one's own hands, though they were able, if they tried, to do so. Further, they did nothing to confront the thousands of illegal vehicles operating on the roads. The matter went beyond these shortcomings in performance of duty, however, as some members of security agencies violated the law themselves. Moreover, the security agencies continued to operate without laws regulating their work, and the detention centers under them still lack legal regulation.

The **fourth section** of Chapter Two offers prominent patterns of **violations of citizens' rights** during 2003, classified according to the type of right violated and the party or parties who committed the violation, either through their actions or omissions. As in previous years, violations occurred against the right to life, right to register and form associations, right to vote and stand for election, right to just legal procedures, freedom of the press, freedom from mistreatment or torture, and right to employment in a public position.

The right to life was violated in a number of ways during 2003. These violations took organized forms such as punishment by execution, as well as cases stemming from weakness in the rule of law, such as killing caused by misuse of firearms or security lapses. This is in addition to instances of death resulting from neglect on the part of the relevant official parties. During the year, one death sentence was issued, which has not been approved by President Arafat. **PICCR** monitored at least 48 instances of killing resulting from taking the law into one's own hands and misuse of firearms; no one was held accountable and no serious measures were taken to curtail this dangerous phenomenon, which threatens the security of citizens and the fabric of society. **PICCR** also documented and followed up 25 instances of death in

which official Palestinian parties bore partial responsibility, including 11 deaths by drowning and 14 deaths due to medical errors or medical neglect.

The Palestinian security agencies arbitrarily arrested at least 64 citizens during 2003, among them two citizens arrested for political reasons. The security agencies also continued to hold scores of Palestinian citizens without charge or trial, among them those who have been detained for years for collaborating with the occupation authorities. During the year, **PICCR** received 55 complaints containing charges of torture and/or mistreatment during interrogation, primarily with the aim of extracting confessions. The majority of complaints in this regard were filed against the civilian police in West Bank governorates.

During 2003, **PICCR** received scores of complaints related to violations of citizens' rights in the field of public employment on the part of ministries and public institutions. The nature of these complaints varied, encompassing: citizens being deprived of competing for public employment positions; public employees being deprived of their rights to promotions; severance of pay without plausible justification or without explanation; and arbitrary dismissal, transfer, or demotion of public employees. In addition, a large portion of the appointments to government positions during the year were based on considerations of favoritism and patronage, whereby vacancies were not advertised and interested citizens were prevented from competing fairly for them. These appointments were particularly evident in the judicial circuit.

The most important recommendations of the two previous section are as follows:

1. The nature of the relationship between the National Security Council and the Ministry of Interior should be clarified, along with the nature of the duties and responsibilities of each and the mechanisms for coordination, cooperation, and integration between them.
2. Far-reaching decisions should be taken to attach public institutions and authorities to the ministries closest to them in mandate, and to put in place laws governing the work of existing public institutions and authorities as well as those that are to be established. In this context, it is necessary to obtain PLC approval for the appointments of the heads or directors of public institutions and authorities (such as the governor of the Monetary Authority, the head of the General Control Commission, the head of the Land Authority, and the head of the Commission of Nongovernmental Organizations, as per the provisions of the Basic Law.
3. The police agency should assume an active role in controlling vehicles operating in violation of insurance and license requirements and traffic laws.
4. The problem of the expanding number of employees in the ministries, security agencies, and public authorities and institutions should be addressed seriously and at the root level.
5. The Ministry of Finance should exert effective, systematic efforts to improve the rate of tax and fee collection and reduce tax evasion, as well as to solve the discrepancy between the West Bank and Gaza Strip with regards to assessing and collecting property tax.
6. The General Personnel Office should make certain that those employees receiving salaries from the National Authority treasury are in fact showing up for work.
7. The executive branch should investigate all instances of killing resulting from taking the law into one's own hands, security lapses, and misuse of firearms. It should do so by forming credible investigative committees composed of persons of recognized expertise, integrity, and independence. The Judiciary should assume its role in prosecuting and punishing those responsible so as to stop the spread of these phenomena, which endanger the security of citizens and stability of society. These measures should take place alongside work, at the fastest pace possible, to curtail the chaos of using and carrying firearms and to impose deterrent penalties on violators.
8. The relevant official bodies should take sufficient steps and measures to prevent deaths caused by medical neglect or error. The Office of the Attorney General should carry out its duty to investigate deaths, especially those occurring in government hospitals.

9. There should be respect for freedom of the press and freedom of opinion and expression, and no measure should be taken against the press or journalists except through the Judiciary and courts with jurisdiction, in accordance with the **Printing and Publications Law** of 1995. In addition, attacks by masked militants on journalists and media headquarters should be investigated, and the perpetrators should be punished.

The **first section** of Chapter Three treats violations of Palestinian citizens' rights by agencies and institutions of the executive branch, civilian and security alike. These violations are classified according to the party responsible for committing them and the type of right violated.

The reoccupation of West Bank cities, deterioration of the security situation in the Palestinian territories, and weakness or frailty of the Palestinian National Authority in general explain the absence of a perceptible increase in the number of complaints filed during 2003 as compared to previous years. During 2003, **PICCR** received 608 new complaints, 101 of which were set aside as inadmissible for a number of reasons. The most important of these reasons were lack of follow-up at the request of the complainant; **PICCR** not being convinced that a violation occurred; the complaint pending before the relevant judicial body; the complainant not exhausting all available internal means of redress; the complaint falling outside of **PICCR**'s mandate; release of the citizen in the case of arbitrary arrest; and lack of identification of the violating party, especially in cases of death or killing under ambiguous circumstances. Thus, **PICCR** followed-up only **507** of the 608 complaints received during 2003. It also continued to handle 154 complaints from the previous year, 41 of which were set aside for the aforementioned reasons. Of the 507 complaints that **PICCR** received and followed up during the year, 321 were brought to a close and the other 186 remained open. Thus, during 2003 **PICCR** closed 63 percent of the total cases it followed up. In handling cases received during 2003, **PICCR** sent 772 letters to various parties and received 273 replies. Also during 2003, **PICCR** conducted 134 visits to Palestinian prisons and detention centers.

The complaints that **PICCR** handled were distributed among civilian and security agencies. The civilian agencies included: ministries; the Office of the Attorney General; local authorities; and public commissions, institutions, and authorities. A total of 338 handled complaints were lodged against civilian agencies, representing 66.7 percent of all complaints handled. Of these, 217 were closed and 121 remained open. The security agencies included: Preventive Security, General Intelligence, Military Intelligence, National Security, the police, the Presidential Guard (Force 17), and the Administration and Organization. A total of 169 handled complaints were lodged against security agencies, representing 33.5 percent of all handled complaints. Of these, 104 complaints were closed and 65 remained open. It is clear from the results of complaint follow-up that the most cooperative institutions that **PICCR** dealt with during 2003 was the Ministry of Health.

The most important recommendations of this section are as follows:

1. The Cabinet should issue clear, unequivocal directives with regards to cooperating with **PICCR** in following up complaints. Moreover, the Cabinet should authorize all officials in government agencies and institutions or those acting on their behalf to give citizens' complaints the care and attention they deserve. In addition, they should supply information without delay and provide services without discrimination on the basis of gender, political affiliation, or disability.
2. There should be a serious and complete investigation into all deaths occurring under ambiguous circumstances or in prisons or detention centers. There should also be an investigation into citizens' claims related to mistreatment or torture, especially during detention, arrest, or interrogation.
3. The General Personnel Office should comply with the provisions of operative laws and not yield to pressure or recommendations from any security agencies in matters concerning employee affairs, whether in regards to appointment, promotion, tenure, or dismissal.

The **second section** of Chapter Three presents a summary of **PICCR** activities. In addition to handling cases, **PICCR** undertakes various activities, all of which aim to increase citizens' awareness of their rights and the means of defending them on the one hand, and to strengthen the work and independence of the legislative and judicial branches on the other. **PICCR's** activities comprise a number of main endeavors: the legal report series; the special report series; review and reform of laws, regulations, and policies; public-awareness raising; the *Palestinian Human Rights Quarterly*; networking and public relations; and the library.

By issuing legal reports, **PICCR** sheds light on selected legal issues related to the rule of law and equality before the law; good governance; oversight mechanisms; and the executive, legislative and judicial branches. At the conclusion of each report, **PICCR** directs the attention of officials and relevant parties (including researchers, jurists, and legislators) to recommendations that, if adopted, would help to reach solutions to the issues raised, whether on the level of legislation or practice. **PICCR** also issues special reports on pressing issues related to citizens' rights that require prompt attention or action. During 2003, **PICCR** issued three legal reports and nine special reports in addition to four quarterly reports on Israeli violations of Palestinian citizens' rights and their consequences.

PICCR continued to implement various activities to raise public awareness on issues related to human rights and democracy. The types of activities included: training courses, open meetings, workshops, lectures, and radio and television forums. **PICCR** also continued to issue the *Palestinian Human Rights Quarterly*, which includes articles, investigative reports, and news related to human rights in Palestine.

At its main headquarters in Ramallah, **PICCR** maintains a library that specializes in human rights, democracy, and domestic and international law. It also maintains a branch library at its Gaza City office.

In addition to the three chapters, the **Ninth Annual Report** contains three appendices. **Appendix 1** presents a sample of cases followed by **PICCR** during 2003, with the aim of demonstrating the variety of cases handled and the different results reached. **Appendix 2** includes the press releases issued by **PICCR** during the year, which express its position on issues and specific events. **Appendix 3** consists of letters that **PICCR** sent to official and nonofficial parties in handling various issues related to respecting and protecting Palestinian citizens' rights.