



**Al Mezan Centre for Human Rights**



**Annual Narrative Report**

**1 January – 31 December 2009**

**Gaza – January 2010**



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**The European Commission:** "Combating and Preventing Torture and Ill-Treatment of Palestinian Prisoners held in Israel Prisons and Palestinian Civilians in the OPT"; a joint project in cooperation between Al Mezan, Adalah and PHR-I.

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- [Euro-Mediterranean Human Rights Network \(EMHRN\)](#)
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- [MENA Network to Stop the Proliferation and Misuse of Small Arms & Light Weapons](#)
- [The World Organisation Against Torture \(OMCT\)](#)
- [The Working Group on SC Res. 1612 in the Occupied Palestinian Territory](#)
- [United Against Torture Coalition \(UAT\)](#)
- [The Protection Sector Working Group \(Chaired by OHCHR\)](#)
- \* [The Council of Palestinian Human Rights NGOs.](#)

\* Al Mezan's application to obtain the consultative status at ECOSOC was updated in 2009; still in progress.



## 1. Introduction

Al Mezan Centre Human Rights is glad to present its annual narrative report for the year 2009. This report provides an overview of the human rights conditions during the year 2009, looking at violations committed by the State of Israel and the Palestinian non-state actors. The report then outlines Al Mezan's responses to these conditions. It then provides detailed information about the outcomes and results of the work done by Al Mezan under its Core Programme during the reported period – 1 January to 31 December 2009. The report then details the Core programme activities by Unit and provides some analysis to the obstacles and lessons learnt. The report also lists the Projects that were in progress during 2009. Finally, the report comments on the Centre's financial situation. This report should be read together with the Annual Financial Report, which is annexed to it. An audited report will be circulated, hopefully, towards the end of February 2010.

### 1.1. An overview of human rights conditions in 2009

The year 2009 has seen the worst human rights and humanitarian conditions ever in the Gaza Strip. Al Mezan observes that, while all the parties that bear human rights obligations have failed to act in consistency with their human rights and international humanitarian law (IHL) obligations, this year saw serious escalation from the part of Israel, the Occupying Power in the occupied Palestinian territory (oPt). Other actors including the Palestinian Authority (PA), the Hamas-led Gaza Government (the *de facto* authority in Gaza since mid-June 2007), and the international community have also failed to show due respect for their human rights obligations. Human rights for the population of the oPt, but particularly of the Gaza Strip, have never been farther from realization, respect and potential enjoyment in the foreseeable future.

It is Al Mezan's view that the main problems that undermine respect for human rights in oPt remain with Israel's macro policies that have created, and are still creating, serious violations of international human rights law (IHRL). Israel has continued to stubbornly deny the Palestinian people from its legitimate right to self-determination; itself a basic a human right. This has been accompanied with an expansion of settlement and land grab, and the construction of an illegal Wall on the West Bank land; not around it. In Gaza, Israel's military operations and the siege separating Gaza from the rest of the world have been the main sources of human rights violations. Discrimination against, added to ill treatment of, Palestinians represents an intrinsic; and actually inescapable, feature of Israel's policy vis-à-vis Palestinians in oPt. It comes with occupation, but becomes worse when occupation leans towards colonization, which prompts measures aimed at ensuring the security of the Occupying Power's population that settles parts of the Occupied Territory; not to mention the practice of directing policy and planning to favour them on the expense of the indigenous population. This is also becoming increasingly sanctioned by the law and the judiciary in Israel. Unfortunately, these facts continue to hover on daily life in oPt.

Of particular concern is the behaviour of the Israeli Occupation Forces (IOF) in and around Gaza which took a critical juncture last winter, when Israel launched a wide-scale war, codenamed 'Operation Cast Lead' (OCL war). This offensive was unprecedented in terms of its scale and impacts on Gaza. As reported by Al Mezan<sup>1</sup>, international human rights

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<sup>1</sup> 1409 Palestinian casualties during Israel's military offensive on Gaza (Cast Lead Operation) 237 were combatants. From the 1172 non-combatants, 342 were children, 111 women and 136 civilian policemen. Dozens were elderly people and members of ambulance teams. Approximately 12,000 homes were destroyed, affecting



organizations and the United Nations (UN)<sup>2</sup>, thousands of people were killed and injured and hundreds of thousands lost their homes and had their lands levelled. The UN Secretary General dispatched a Board of Inquiry that investigated nine attacks on UN buildings and personnel. A summary of the report indicates that Israel violated international law in seven of these attacks; Palestinian armed groups in one; while it could not establish the facts fully in one case.<sup>3</sup> The Board noticed that, while its mandate dictated that it looked into these nine attacks, it was necessary that an international probe into what happened was necessary. Later, a UN Fact Finding Mission, chaired by Justice Richard Goldstone, (Goldstone Mission) investigated 36 cases and decided that war crimes and crimes against humanity were committed by the parties and recommended that domestic investigations be carried out in harmony with the relevant international standards.<sup>4</sup> The UN Human Rights Council on 16 October 2009,<sup>5</sup> and later the UN General Assembly on 5 November 2009<sup>6</sup>, adopted the Goldstone Report and parts of its recommendations<sup>7</sup>. Israel started humble investigations, which have been limited to separate incidents and carried out by the Israeli army. As of 1 January 2010, it was not clear what concrete steps had been taken by the Palestinian non-state actors to start internal investigations.<sup>8</sup> Under the UN GA resolution adopted on 5 November, which endorsed the Goldstone Report, both Israel and the Palestinian sides should within a three month period conduct independent and credible investigations in conformity with international standards into the serious violations of international humanitarian and international human rights law that occurred during the Israeli OCL war. On 5 February, the UN Secretary-General will report back to the GA on the implementation of the resolution, including these investigations. Ensuring that the investigations taken by Israel, the Palestinian Authority or the Government in Gaza are independent, credible and consistent with international law is absolutely vital and should be the benchmark of the assessment by the UN.

Although there has been a de facto cease fire in place since 18 January 2009, after the end of OCL war, there has been periodic escalations in IOF attacks against the Gaza Strip, shelling or striking targets within Gaza. 40 Palestinians were killed and dozens were injured, 95 of whom were documented by Al Mezan. Of those, two were killed in an extra-judicial assassination (one of whom was the target); and 19 were fighters who were killed during hostilities. These developments have occurred as Israel tightens its siege of the Gaza Strip. Towards the end of 2009, such attacks came at the same time as increasing threats by the

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tens of thousands of people. Please check Al Mezan's report '[Cast Lead Offensive in Numbers: Statistical Report on: Persons Killed and Property Damaged or Destroyed in the Gaza Strip by the Israeli Occupation Forces \(27 December 2008 – 18 January 2009\)](http://www.mezan.org/en/)'; available online at [www.mezan.org/en/](http://www.mezan.org/en/).

<sup>2</sup> See the report at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

<sup>3</sup> See <http://www.un.org/News/Press/docs/2009/sgsm12099.doc.htm>, and <http://unispal.un.org/UNISPAL.NSF/0/8040C6A718048E7A852575AD0071DF7A>.

<sup>4</sup> See the UN HRC's resolution A/HRC/12/48 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>

<sup>5</sup> See this link for the text of the resolution:

<http://unispal.un.org/UNISPAL.NSF/0/13A7589213CE095B85257657004239A1>

<sup>6</sup> See

<http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/c00aae566f6f9d7485257664004cff12?OpenDocument>.

<sup>7</sup> See <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

<sup>8</sup> Later in January 2010, a group of Palestinian human rights NGOs demanded that the Palestinian Authority and Gaza Government act on their responsibilities to investigate allegations of gross human rights violations, war crimes and acts possibly amounting to crimes against humanity by Palestinian actors. Later, the Palestinian Authority formed an investigation committee, and the Gaza Government announced that it would issue a report on the matter.



Israeli government and military officials that military attacks, or even large operations, against Gaza Strip could occur in the nearer future.<sup>9</sup>

As the siege continues, the human rights impacts of OCL war and the several years of blockade and siege have been amplified to a serious extent. A recent UN Environmental Programme report found that, Gaza cannot support human life and recommended that infants use water originating from outside Gaza.<sup>10</sup>

The siege effectively prohibits effective access to essential goods, such as healthcare, education, family life...etc. Hundreds of university students have been stranded in Gaza. Gazans not allowed to study in the West Bank, as a blanket Israeli policy. Schools and universities are badly affected by the siege; especially due to restrictions on construction materials, stationary, and training opportunities. More seriously the situation for patients has grown even more complicated in 2009.<sup>11</sup> Israel's relevant rules allow for patients who are faced with 'risk to life' to apply for permits; however, many of those do not get permits for security reasons. More patients are pressured to cooperate with the Israeli security at Erez Crossing as a condition to allow them to access life-saving treatment. And more patients are arrested and tortured in the course of applying for permission to access healthcare.<sup>12</sup>

The siege affects the entire population of Gaza without distinction; causing very high levels of poverty, aid dependency and unemployment due to a near full shut down of the industrial and construction sectors, and the damage it incurs on the trade and agricultural sectors. The siege has created a 'tunnels industry' in Gaza; one that people find crucial for the survival and wellbeing of the population; however, it cannot be deemed legitimate or conducive of human rights. More lives are claimed in the tunnels every week. And workers enjoy almost no rights.<sup>13</sup> This industry is increasingly weakening the legitimate, civilised economy in Gaza; an economy that has been deprived from raw materials, power and the ability to export products. Trade has been restricted to non-essential items; a very short list of goods that deems clothes, shoes and children toys 'luxurious'.

Commenting on the Israeli siege, the UN Fact-Finding Mission concluded that the series of acts that deprive Palestinians in the Gaza Strip of their means of sustenance, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their access to a court of law and an effective remedy, could amount to persecution, a crime against humanity. From the facts available to it, the Mission is of the view that some of the actions of the Government of Israel might justify a competent court finding that *crimes against humanity have been committed* (emphasis added).<sup>14</sup> It is

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<sup>9</sup> See [Al Mezan Condemns IOF Attacks on Gaza; Calls for International Intervention to Ensure Protection of Civilians](#) 11 January 2010.

<sup>10</sup> See <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=596&ArticleID=6303&l=en>. See [On International Human Rights Day, Al Mezan and the High Commissioner Organize a Conference, Gaza and the Right to Water](#)

<sup>11</sup> See for example: [Infant Dies as Israel Prevents Him from Leaving Gaza Strip to Undergo Medical Treatment in East Jerusalem, Al Mezan Calls for Immediate Lifting of the Siege on Gaza](#) 4 June 2009; [Obstruction of Access to Healthcare Yet Another Child Casualty Due to Israel's Closure Policies, 18 March 2009](#)

<sup>12</sup> See [UN Committee Poses 30 Tough Questions to Israel on Torture, Indefinite Detention of Prisoners, Human Shields, and ISA Medical Coercion of Gaza Patients at Erez Crossing](#) ; and, [UN Committee Against Torture Found 'Numerous, Ongoing and Consistent Allegations' of Torture and Ill-treatment by Israeli Interrogators](#)

<sup>13</sup> See for example [Tunnels Claim More Lives in Gaza, Al Mezan Demands that Gaza Government Take Effective Steps to Protect Tunnel Workers](#).

<sup>14</sup> Supra, Goldstone Report, Note (7), Para 75.



hardly comprehensible that the siege imposed on Gaza has continued after OCL war, despite the scale of destruction, the urgency of re-construction, and the clear outcry of international community. It is Al Mezan's view that the strong voice of international community needs to be supported with actions, as sanctioned by international law.

In the aftermath of the OCL war, Israel has been trying to impose a buffer zone - a no-go zone along the borders between Gaza and Israel – that goes *inside* Gaza. Officially, the Israeli forces declared that the zone runs as deep as 300 meters along the Gaza-Israel border. The Israeli military dropped leaflets informing people who live close to the border of this, and declaring that persons who approach this zone would be exposed to Israeli fire. However, in effect, Israeli attacks occur on a regular basis, reaching as deep as 1000 meters inside Gaza – i.e. one fifth of the area of the North Gaza and Gaza Districts. Dozens of people were killed without any justification in this area, and most farmers have already abandoned their homes and lands due to the continuous attacks. Many children have been killed in such attacks, when they were in their fields with their families, when they were hunting birds, or when they were passing from roads close to the border.<sup>15</sup> The economic cost for Gaza of this policy is very high, since it is in that area that most of the fertile agricultural land exists.

The situation for fishermen continues to be dire due to IOF imposing a three-nautical-mile fishing zone in Gaza coast. Implementing this zone, IOF's military boats attack and harass fishermen on a daily basis, which causes injuries and arrests of fishermen, dragging and damaging of boats.

During 2009, violations by Israeli authorities of the rules of IHRL and IHL, in particular the UN Minimum Standards for the Treatment of Prisoners and those Deprived of their Liberty, against Palestinian prisoners increased. At the end of 2009, the total number of prisoners was 7,053. 3,138 were arrested in 2009 (thousands were also released in 2009). 750 prisoners are from the Gaza Strip; including those deemed 'unlawful combatants' and two children. The total number of Palestinian child prisoners is approximately 300 and the number of women is 34. During 2009, the IOF arrested 21 children from the Gaza Strip; one of whom remains in prison.<sup>16</sup> Family visits to Gazan prisoners have been entirely banned since June 2007; but was also upheld by the Israeli High Court on the ground that it did not represent a 'basic humanitarian need'.<sup>17</sup> Prior to the launch of OCL war, Israel passed an amendment to its 'Unlawful Combatants Law' and opened a special facility to keep Gazans who would be declared 'unlawful combatants'. These measures led to serious violations of human rights during and after the Operation; including torture.<sup>18</sup>

On the Palestinian side, Palestinian non-state actors also continued to violate human rights and show greater disrespect for the rule of law. During OCL war, dozens of men were shot dead by armed men in the Gaza Strip. There are reports about violations of IHL were committed by Palestinian armed groups who fired rockets and mortar shells at Israel. The Goldstone Report criticized the attacks by Palestinian armed groups and stated that some attacks "upon the civilian population of southern Israel and that where there is no intended

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<sup>15</sup> See: [IOF Arrest, Abuse 8 Palestinians, including Child: Al Mezan Calls for Protecting Civilians, Ensuring Accountability for Human Rights Violations; Al Mezan Condemns the Israeli Systematic Attacks against Civilians near Gaza Border in Pursuit of Enforcing Security Buffer Zone inside Gaza; IOF Kill Child; Arrest Four by Gaza Border. Al Mezan Condemns IOF Violations; Call for International Protection of Civilians; and The IOF Kills a Child in Beit Hanoun and Continues its Siege on Gaza.](#)

<sup>16</sup> Data from Al Mezan documentation and Ad-Dameer, Ramallah.

<sup>17</sup> See joint press release [http://www.mezan.org/en/details.php?id=9334&ddname=detention&id\\_dept=31&p=center](http://www.mezan.org/en/details.php?id=9334&ddname=detention&id_dept=31&p=center).

<sup>18</sup> See ['Unlawful Combatants: The Violation of Gazan Detainees' Rights in Israeli Prisons](#) 6 April 2009.



military target and the rockets and mortars are launched into a civilian population, they constitute a *deliberate* attack against a civilian population. These acts would constitute war crimes and may amount to crimes against humanity.”<sup>19</sup> (emphasis added) According to the Goldstone Report, there were three civilian fatalities and one soldier in Israel resulting from the rocket and mortar strikes launched from Gaza.<sup>20</sup>

Both the Gaza Government and Ramallah caretaker Government have continued to perpetrate human rights violations against the Palestinian population in the West Bank as well as the Gaza Strip. Palestinians continue to be detained, or denied employment in the public sector, on the basis of political affiliation.<sup>21</sup> Torture is reportedly common place.<sup>22</sup> Freedom of movement and association is being heavily restricted<sup>23</sup> and death penalty sentencing continues.<sup>24</sup> Honor-related killings of women and men increased in 2009.<sup>25</sup>

Personal security continues to deteriorate and the law enforcement officers continue to act outside the rules established by Palestinian law and human rights standards.<sup>26</sup> Infringement on personal freedoms also increased during 2009, with attempts by, or not challenged, by the Gaza Government to impose restrictions on girls' and women's wear at schools, courts and public places.<sup>27</sup>

Restrictions on free expression and peaceful assembly also increased in Gaza.<sup>28</sup> The Palestinian-Palestinian split continued to create a situation conducive of human rights

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<sup>19</sup> Goldstone Report, 15 September 2009, p.32, para 108.

<sup>20</sup> Ibid., p.109.

<sup>21</sup> For example, [Al Mezan Condemns the Mass Summoning of Fatah Movement Leaders in Gaza and Calls for an Investigation into Violations of the Law](#) 23 April 2009 and [Arrest Campaign in the Gaza Strip: Al Mezan Calls for End to Arrests and Other Practices which Intensify Internal Division](#) 7 June 2009.

<sup>22</sup> See for example [Al Mezan Center Demands Inquiry into Death in Custody of Zayid Jaradat](#) in Gaza, 19 March 2009 and [Al Mezan Center Regrets the Death of a Man in Detention at the Hebron Intelligence Prison; Calls for Investigation into the Incident](#) in the West Bank, 16 June 2009.

<sup>23</sup> See [Ninety Women Prevented from Travelling to West Bank, Al Mezan Condemns Violations of Right to Freedom of Movement and Political Participation](#) 21 May 2009 and [Al Mezan Condemns the Continued Violations of Human Rights in the West Bank and Gaza Strip; Calls Gaza-Government to End Restricting the Movement of Fatah's Candidates to its Sixth Conference](#) 30 June 2009.

<sup>24</sup> See [Military Court in Gaza Sentences Three Accused Persons to Death 25 May 2009; Al Mezan Calls for Abolition of Death Penalty](#) 25 May 2009; and [The Military Court Sentences Four Persons to Death in Gaza: Al Mezan Calls for the Abolition of the Death Penalty and Emphasizes that the Sentence Violates Fair Trial Standards](#) 9 April 2009.

<sup>25</sup> See [Al Mezan Condemns the Killing of a Woman and Calls for the Perpetrators to be Apprehended and Brought to Justice](#) 30 March 2009, and [Al Mezan Center Condemns Killing of Woman and Calls for Perpetrators to be Apprehended and Brought to Justice](#) 13 April 2009.

<sup>26</sup> See [We, the Undersigned Organizations, Condemn the Deterioration of the Rule of Law and Continued Internal Attacks in the Gaza Strip](#) 1 February 2009; [Al Mezan Condemns Injury of Dozens of Persons as a Result of an Explosion at a Wedding Party in Khan Younis](#) 22 June 2009; [Two Persons Killed in Family Feud in Gaza City; Al Mezan Calls for Enforcing the Law](#) 26 August 2009; [Unknown Armed Men Attack Two Singers; Al Mezan Calls for Investigation into the Two Incidents](#) 21 October 2009; and [26 Die in Rafah Clashes: Al Mezan Calls for Appropriate Measures to be Taken to Prevent Repetition of Such Incidents and Investigation into High Casualty Figures](#) 26 August 2009.

<sup>27</sup> See e.g. [Human Rights Organizations and Activists: the Decision of Chairman of the 'High Justice Council' Restricting Lawyers Dress in Courts Unconstitutional; Must be Revoked](#) 27 June 2009.

<sup>28</sup> See e.g. [Al Mezan Condemns the Assault against Al Dameer; Calls on Gaza Government to Bring Perpetrators to Justice](#) 15 November 2009; [Human Rights and Civil Society NGOs Condemn the Media Campaign against PCHR; Call Prime Minister in Gaza to Intervene](#) 13 August 2009; [Human Rights Organizations Condemn the Breaking into the Office of PNGO, Call on Gaza Government to Act on its Obligations, Protect Palestinian NGOs](#) 13 December 2009; and [Police in Gaza Bans Conference at Ramattan, Launches Arrest and Summons Campaign to](#)



violations; particularly affecting education and health and personal security and integrity.<sup>29</sup> Most of these violations go uninvestigated.

This situation cannot, and should not, be tolerated. Al Mezan declares its determined intention to continue its work to promote respect for human rights and international law in oPt; particularly in the Gaza Strip where it is based. In doing so, Al Mezan will seek to utilize all the available legitimate mechanisms domestic law, international law and human rights mechanisms offer.

## 1.2 The Unique Case of 'Four Duty Bearers'

### 1.2.1 State of Israel

In June 1967, Israeli forces entered the West Bank, including East Jerusalem, and the Gaza Strip (the occupied Palestinian territory) heralding the start of a military occupation that continues to this day. As an Occupying Power, under IHL Israel is obligated to ensure the public order and safety of persons living within this territory.<sup>30</sup> In September 2005, Israel removed around 8,000 settlers from Gaza, re-deployed its troops across the border and declared that it was no longer bound by the duties and obligations imposed under international law. This position has been almost unanimously rejected by the international community on the basis that Israel is still in effective control of Gaza as it controls the borders, coastline, airspace, civil registry, economy, telecommunications, energy supplies, and water and sewerage systems.<sup>31</sup> As the Occupying Power in Gaza and the West Bank, Israel owes a number of specific obligations and duties to the resident population. Further, the various international human rights conventions to which Israel is party are also applicable to Gaza and impose additional duties and obligations.<sup>32</sup>

### 1.2.2 The Government in Ramallah (Palestinian Authority caretaker Government)

The two Palestinian governments bear human rights obligations as non-state actors. At a minimum, the Government in Ramallah is responsible for the conduct of its personnel entrusted with maintaining the security of the population in the areas they control, and providing services that are essential for the enjoyment of human rights in the areas under its control. The scope of the Government in Ramallah's obligations is dependent on the level of interference by Israel and the international community in its efforts to fulfil its duties.

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[Prevent Commemoration of Death of Yasser Arafat: Al Mezan and Al-Dameer Condemn Restricting Freedoms and Free Expression; Call on Gaza Government to Respect the Law and to Protect Freedoms](#) 12 November 2009.

<sup>29</sup> See e.g. [Human Rights Organizations: Education Ministries' Decisions Regarding Al-Aqsa University in Gaza Must be Revoked](#), 11 October 2009; [Al Mezan Urges the Governments in Ramallah and Gaza to Resolve the 'Medical Referrals' Profile, Respect their Responsibilities and Protect the Lives of Patients in Need of Medical Access Immediately](#) 15 April 2009; and Al Mezan's report [So Close Yet Unattainable: Lack of Access to Healthcare outside Gaza, April 26, 2009](#).

<sup>30</sup> See Article 43 of the Hague Regulations.

<sup>31</sup> In January 2008, at the 5,824<sup>th</sup> meeting of the UN Security Council, Mr Lynn Pascoe, UN Under Secretary-General for Political Affairs, confirmed that the Gaza Strip is still occupied by Israel: *'I must state firmly that the Israeli occupation, including with respect to the Gaza Strip, carries clear obligations under international law.'* See also the report of Gisha, *Disengaged Occupiers: The Legal Status of the Gaza Strip*, January 2007, available at: <http://www.gisha.org/UserFiles/File/Report%20for%20the%20website.pdf>

<sup>32</sup> See the International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, paragraphs 109, 112 and 113. This opinion is also supported by the jurisprudence of UN treaty bodies, which insist that Israel has legal obligations towards oPt by virtue of its control of the territory.



### **1.2.3 The Government in Gaza (de facto Gaza Government)**

As the main authority in the Gaza Strip since June 2007, Hamas-led government has responsibility to ensure that the human rights of the Gazan population are upheld. Since Israel controls Gaza's borders and the Palestinian Authority through the Government in Ramallah bodies continues to provide funding for the public sector, the parameters of its obligations are not clearly determined because of the consequent complexity of the political, security, financial and administrative situations. At a minimum, however, the Government in Gaza bears a clear responsibility to ensure the behaviour of its security forces and civil servants complies with human rights standards and Palestinian domestic law and to refrain from interfering with the provision of services to the population. Under the conditions of siege, it has an obligation to ensure just distribution of the available resources, and to ensure the safety of people working in risky places, such as tunnels. It has an obligation to monitor and eradicate policies and actions that deepen poverty, such as the inflation caused by the tunnels industry and the siege. Overall, it has a clear obligation to investigate breaches of the law and human rights and deter and prosecute them duly.

It is also Al Mezan's view that both the Governments in Ramallah and Gaza have a duty to eradicate the environment which has been created by the political split between Gaza and the West Bank; a situation that has prompted wide-scaled violations of human rights. This cannot be attained without recourse to national unity, respect of the Basic Law, and conducting free, democratic elections in a context of a genuine process of reconciliation that takes law and human rights as its core values.

### **1.2.4 The International Community**

The international community, including individual states and international organizations share the burden in protecting the human rights of the Palestinians in Gaza. The international community has an obligation to compel Israel to lift its siege on Gaza and end the occupation in order to improve the living standards of the population as well as to make sure that Israel does not target Gazan civilians during military operations.

Unfortunately, the international community is heavily involved in the situation in oPt in various ways that negatively affect the enjoyment of human rights. International sanctions are still in place and creating difficulties to civilians. The international response has been dominantly 'humanitarian' and fails to deal with the root causes of the human rights violations and the deterioration of the humanitarian conditions in oPt in general, but in the Gaza Strip in particular. Violations of international law are still going unnoticed, or worse, passively noted. International aid is frequently diverted in a way that does not help Palestinians reconcile their political differences; sometimes even banning them from doing so despite the human rights implications of the political split.

Moreover, international community has failed with excellence in ameliorating the dire situation in Gaza post CLO war. While it pledged enormous resources to reconstruct Gaza, it failed to deliver, or to remove the main obstacle that disallows it act on its obligations – the Israeli siege. Therefore, problems of displacement, water, sanitation, health, employment, poverty...etc. continue to have a de-developing effect in Gaza. The more time passes, the more likely that many of these problems will become irreversible.



It is Al Mezan's view that third party states, intergovernmental organizations and unions, and international community at large bear obligations that are proportionate to their ability to influence the human rights situation in oPt. Omissions are violations of human rights, as much as commissions are.

### 1.3 Overview of the Violations Perpetrated by the State of Israel

In addition to its continued violation of the Palestinian people's right to self-determination, violations perpetrated by the State of Israel against the population of the Gaza Strip in recent years can be characterized by continuing and escalating military operations in which its forces directly target the civilian population and civilian objects, and the continued imposition of a strangulating siege which affects the enjoyment of all human rights of the Palestinian population in Gaza. These acts continue to take place under an umbrella of impunity. This section summarizes grave violations perpetrated by the State of Israel during OCL war, presents a summary of attacks conducted against civilians since OCL war, highlights the impact of the ongoing blockade on the Gazan population, and addresses Israel's treatment of Palestinian prisoners.

#### 1.3.1 Cast Lead War: 27 December – 18 January 2009

The launch and conduct of OCL war must be viewed in the context of escalated attempts by the State of Israel to punish and break the morale of the Gazan population over a two-year period. Even before the launch of these unprecedented military attacks, drastic restrictions on the movement of people and goods imposed by the Israeli authorities since June 2007 had led to escalating poverty, spiralling unemployment and deteriorating public services such as health care, water and sanitation.

OCL war was launched against the Gaza Strip at approximately 11.30am on 27 December 2008 with an airstrike campaign carried out by 80 warplanes. This campaign of air attacks lasted barely five minutes and was devastating due to the timing and type of weaponry used to target police station, security premises and other targets throughout Gaza.<sup>33</sup> The offensive continued with intense air, artillery and naval attacks on the Gaza Strip until 2am on 18 January 2009 *after* the Israeli Government had declared a unilateral ceasefire.<sup>34</sup> This 23-day military offensive was unprecedented in terms of the scale of grave and systematic violations of IHL and IHRL. It is crucial, however, to highlight the fact that the very pretext for the launching of OCL war had no legal basis. Israel's invocation of Article 51 of the UN Charter is based on two legally untenable assumptions. First, Israel maintains that the Gaza Strip is no longer occupied. Second, Israel's self-defence claim fails to take into account the broader international armed conflict in which OCL war was launched. The legal status of the oPt in fact excludes the application of Article 51 of the UN Charter as a result of the reality of the prolonged occupation.<sup>35</sup> Thus, not only did the IOF gravely violate IHL during OCL war itself, but it also violated international law in launching the invasion; an act of aggression.

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<sup>33</sup> See ['Cast Lead Offensive in Numbers Statistical Report on: Persons Killed and Property Damaged or Destroyed in the Gaza Strip by the Israeli Occupation Forces \(27 December 2008 – 18 January 2009\)](#) 2 August 2009, p.3.

<sup>34</sup> Ibid, p. 3

<sup>35</sup> For further information please see: OCL WAR and the Distortion of International Law, *Al Haq Position Paper*, April 2009



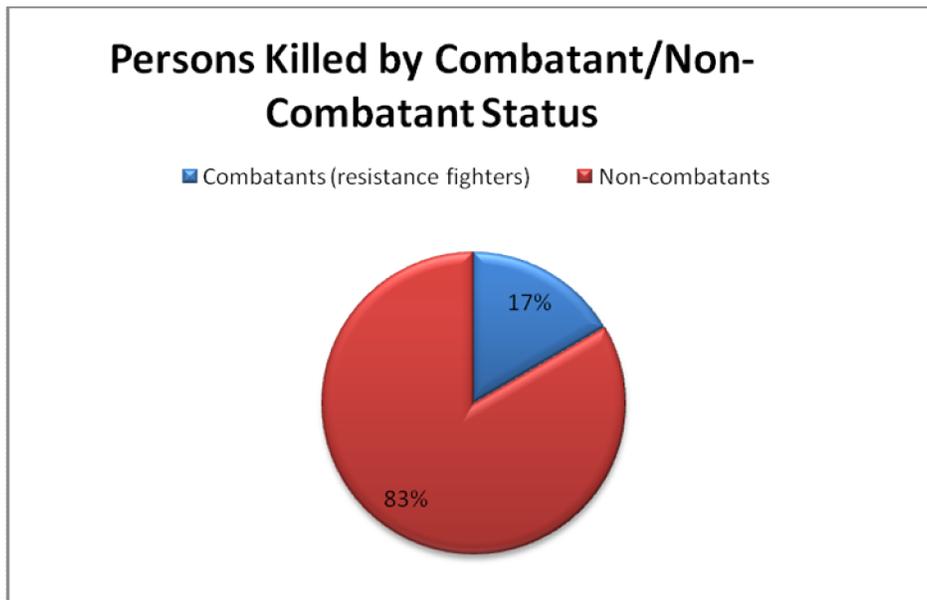
**The killing and injuring of civilians, and obstructing medical access**

In less than 23-days, according to Al Mezan’s documentation, the IOF killed 1,411 persons including 111 women, 355 children and 17 emergency workers on the line of duty. Of the 1,411 persons killed, 1,176 were civilians (non-combatants; including policemen not involved in any armed activities). Israeli forces also injured at least 4,009 people including 488 women and 860 children. While the killing and maiming of innocent civilians is always tragic, it is not always illegal in the context of armed conflict. The rules of IHL, which govern the conduct of hostilities once it has begun, tend to be realistic and take into account not only requirements stemming from the principle of humanity, but also considerations of military necessity.<sup>36</sup> Throughout OCL war, these basic standards, to which all States are bound, were gravely and systematically violated by the IOF.

**Table 1: Persons Killed by IOF during OCL War**

Category	No. Persons Killed
Total combatants (resistance fighters) killed	234
Of which assassinated	13
Of which children (child soldiers)*	12
<hr/>	
Total non-combatants killed	1176
Of which women	111
Of which civil police**	136
Of which children	343
Of which emergency workers on the line of duty	17
<hr/>	
(Total children killed including child soldiers)	355
<b>TOTAL persons killed</b>	<b>1411</b>

**Chart 1:**



<sup>36</sup> See <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JMF3>



From the first moments of the launch of the attack, IOF failed to distinguish between military objectives and civilian objects (wilful killing); carried-out vastly disproportionate attacks; reckless attacks; indiscriminate attacks, that is attacks that strike civilians or civilian objects and military objectives without distinction and may qualify as direct attacks against civilians; and obstructed medical access leaving injured civilians to bleed to death over hours or even days. The following four brief case studies provide illustrations of the illegal nature of IOF attacks.

***IHL violation: wilful killing***

On 7 January 2009, the Abed-Rabbo family, including three girls under the age of ten, responded to IOF orders to evacuate their home located in Ezbet Abed-Rabbo neighborhood in North Gaza district. As they left the house holding white flags, IOF troops in a tank stationed opposite their house opened fire directly at them seriously injuring Suad, 9, Amal 3, Samar 5, and the girls' grandmother, Suad. A local resident working as a medic heard the screams and tried to reach the Abed-Rabbo home by ambulance. He was obstructed by the IOF and ordered to leave the area. The Abed-Rabbo family retreated inside their home and was prevented from leaving to seek emergency medical treatment for several hours. As a result, Suad, 9, died, Amal 3, died and Samar, 5 was permanently paralyzed.

"My daughter Suad, and I were waving the white flags at the two Israeli soldiers who were on top of the tank that was parked at the front door, I saw a third Israeli soldier put his head up and then come out from inside the tank. He then fired his gun at us directly."

Kawther, 30, the mother of Suad, Amal and Samar

***IHL Violation: indiscriminate attack***

At approximately 3:35pm on Tuesday 6 January 2009, the IOF fired four artillery shells in the vicinity of Al-Fakhoura School, which UNRWA had opened as a shelter for displaced civilians who escaped the fighting in north Gaza. Three shells landed and exploded in an open area opposite to the southwestern schoolyard. The fourth landed 50 meters west to the school, directly hitting two houses, which are inhabited by the families two brothers; Mu'in and Samir Deeb. Most of the members of these two families were killed. In all, the shelling killed 39 civilians immediately, and three others died at hospital from their wounds, raising the number of casualties to 42; including 13 children and 6 women. Another 50 civilians were also injured in this attack. Of whom, 15 were children and 10 women. The Israelis alleged the attack was in response to mortar attacks coming from Palestinian combatants near the school.

In the afternoon of 6 January 2009, Ibrahim (14) and his family sought refuge in the UNRWA-run school. Ibrahim asked his father for one shekel and went to the shop across the street: "Suddenly, a huge explosion, took place in front of school's main gate....I saw more than 200 people on the ground....The ground was covered in blood. I reached the shop and saw my son Ibrahim on the ground."

Ahmed Ma'rouf 58 father of Ibrahim

***IHL Violation: Obstruction of medical access***

At around 11pm on 10 January 2009, Israeli troops shelled the Hammouda family home in Tel Al-Hawa neighborhood in Gaza District seriously injuring Faris, 2, Mohammed, 16 and Intisar 37. The family called the Red Cross pleading for help but was informed that the IOF

"I carried Mohammed from the hallway to the kitchen...I saw that his hand was torn up, almost cut off, and blood was pouring from it."



had forbidden access to the area. Faris died shortly after the attack and Mohammed, 16, bled to death over the course of several hours.

***IHL Violation: Disproportionate use of force***

In clear contravention to international law, the Israeli army has long used an assassination policy dependent on the use of massive force.<sup>37</sup> In a continuation of this policy on 15 January 2009, Israeli warplanes dropped two laser-guided 500lb bombs on the house of Iyad Syam, killing seven adults, including PLC member and Minister of Interior, Said Syam, 50, and three children: Hossam Isleem, 8, Ahmed Isleem, 14 and Sahar Isleem, 16.

Ihab, 23, the brother of Faris and Mohammed

*"I identified my brother Mohammed's son Husam, along with my children Mohammed and Abdullah. They were covered in blood and their bodies were torn to pieces."*

Nabil, 55, uncle of the killed children

**Unlawful Use of Weaponry**

While the use of white phosphorus as a weapon is not banned outright under IHL, Israel's use of it, frequently indiscriminately, in crowded population centres during OCL war constitutes a serious violation of international law. The use of weapons such as white phosphorus has been restricted for a reason: they cause severe agonizing injuries which no human being should have to suffer. Al Mezan has documented several incidents in which adults and children were killed or severely injured as a result of white phosphorus use. The following incident is one illustration of this type of attack:

***IHL Violation: Use of White Phosphorus against Civilian Population***

On 4 January, the IOF executed an attack, including with white phosphorus shells, on the Abu Halima family home in north-western Beit Lahiya. This attack killed four children: Shahd Saadallah Abu Halima, 2; Hamza Saadallah Abu Halima, 8; Zaid Saadallah Abu Halima, 11; and Abdel Raheem Saadallah Abu Halima, 14. Two other children shot by IOF troops as they tried to evacuate the injured: Mohammed Abu Halima, 17; and his cousin, Matar Abu Halima, 17. The bodies of those who died were left in the street for 12 days, despite being near an Israeli military post in the area. Dogs were seen by the dead bodies.

**The Use of Palestinian Civilians as Human Shields**

The practice of using human shields involves forcing civilians to directly assist in military operations or using them to shield an area or troops from attack. Both of these circumstances expose civilians to grave danger. Examples of the use of civilians as human shields by the Israeli military include *inter alia*: compelling civilians to search bags or entire houses for explosives; forcing them to remove suspicious objects from roads; and making civilians stand near, or in front of soldiers during confrontations to shield them from gunfire or stone throwing. The use of human shields contravenes several IHL provisions including Article 28 of the Fourth Geneva Convention which states that *"The presence of a protected person may not be used to render certain points or areas immune from military operations."* In October 2005, the Israeli High Court of Justice authoritatively ruled that the practice of using civilians as human shields runs counter to principles contained in the Fourth Geneva

<sup>37</sup> For further information please see 'License to kill', Haaretz, Uri Blau, 4 December 2008. <http://www.haaretz.co.il/hasen/spages/1041622.html>



Convention and outlawed this practice.<sup>38</sup> During OCL war, Al Mezan documented seven incidents in which Palestinian civilians, including children, were used as human shields. The following case study is one illustration of such incidents.

*Following legal action by Al Mezan and Adalah, 3 of the victims of the use of human shields were interviewed by the Israeli military police at Erez Crossing on Monday 9 July 2009.*

*Other cases are still being followed. (see*

*[http://www.mezan.org/ar/details.php?id=8882&ddname=crimes&id\\_dept=31&id2=9&p=center](http://www.mezan.org/ar/details.php?id=8882&ddname=crimes&id_dept=31&id2=9&p=center))*

**IHL Violation: Use of Civilians as Human Shields**

On 15 January 2009, around 20 Israeli soldiers broke into the basement of an apartment block in Tel Al Hawa neighborhood in Gaza district in which several families were sheltering from the shelling. They ordered the men and boys to leave the basement and instructed 10-year-old Majed Rabah to open bags that they had seized from the families. When Majed was unable to open one of the bags, they hit him.

At around 9:30 am on Monday 5 January 2009, Israeli soldiers broke into the house of Majdi al-Abed Ahmed Abed Rabbo, 40, and then used him as a human shield over the period of two-and-a-half days. He was forced to dig holes in houses' walls, search his, and other peoples' houses, but also to negotiate with three fighters and take pictures and footage of them following airstrikes that targeted an abandoned house in which they took position. He was treated badly and beaten.

*"The soldier told me to open a second bag but I didn't know how to open it so he grabbed me and slapped me."*

Majed's statement to his mother, 'Afaaf Rabah)

*"I refused. I asked him to let me return to my family. I said to him, 'this (Going into that house) means death, and I don't want to die."*

Majdi Abed Rabbo's Testimony to Al Mezan

**Bearing the Brunt: Children killed or injured during OCL war<sup>39</sup>**

During OCL war, Israeli military operations resulted in the killing of at least 353 children and injury of a further 860. Of these, many were maimed Sustaining limb amputations or permanent disabilities such as loss of sight or hearing. 160 children were killed in north Gaza, 140 in Gaza City, 20 in the middle, 20 in Khan Younis and 13 in Rafah. 72% of the children killed were boys and 28% girls. Of those killed, 38% were between the ages of 15 and 17 years, 26% between 11 and 14 years, 18% between 5 and 10 years, and 18% between 3 and 5 months. 66% of the children killed were killed in missile attacks and 16 % were killed by artillery shelling.

According to Al Mezan documentation, children were killed or injured in several ways during OCL war: during attacks on civilian objects which often coincided with the mid-day change in schools shifts when the majority of school children are either school or near their school; during drone attacks – 116 children were killed or fatally injured as a result of Israeli drones; the Israeli obstruction of medical facilities; white flag killings – Al Mezan has investigated 8 such incidents; and target assassinations, when, for example, Israel dropped two laser guided 500lbs on the house of Iyad Syam killing seven adults and three children.

<sup>38</sup> *Adalah v Military Commander of the West Bank* HCJ 3799/ 02: <http://www.adalah.org/features/humshields/decision061005.pdf>

<sup>39</sup> These figures were taken from the joint publication by Al Mezan and Defense for Children International – Palestine Section, 'Bearing the Brunt Again: Child Rights Violations during Operation Cast Lead', September 2009.



## The Destruction of Civilian Objects

During OCL war, the IOF has focused many of its attacks on civilian objects, particularly houses, police stations, mosques, public facilities including schools, hospitals, water and sewage plants. Many of these attacks were deliberate.

### Civilian Homes



The IOF destroyed thousands of shelters (housing units) in actions, which gravely violate international law. The latest United Nations figures based on a house-to-house survey reveal that 3500 shelters were demolished beyond repair, 2,700 shelters sustained major damages and 52,000 shelters sustained minor damages.<sup>40</sup> Through a Gaza Strip-wide survey, Al Mezan verified the total destruction beyond repair of 2631 shelters and the partial destruction of 8523 shelters. 107509 people including 53275 children lived in these homes. While a small part of these homes were destroyed during hostilities, the vast majority were brought down by explosives or bulldozed by IOF after hostilities ceased in neighbourhoods. The systematic destruction of civilian homes without military necessity gravely contravenes the principle of distinguishing at all times between civilian objects and military objectives and the principle of proportionality.<sup>41</sup> Further, “*extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly*” is a grave breach of the Fourth Geneva Convention (Article 147) and hence a war crime. The vast majority of the destruction of civilian homes carried out by the IOF during OCL war was wanton and deliberate. The manner and circumstances in which the destruction was conducted indicate clearly that it could not be justified on the grounds of military necessity. The following two case studies provide illustrations of the nature of IOF attacks.

### ***IHL Violation: Destruction of Civilian Homes in As-Smiri neighborhood, Al Qarara town, East of Khan Younis***

<sup>40</sup> Figures available from United Nations Shelter Cluster hosted by UNRWA.

<sup>41</sup> Article 48 of Protocol I to the Geneva Conventions



In this neighborhood, the IOF completely destroyed 78 homes and partially destroyed 2 homes in which 515 people, including 265 children lived. Abdel Al-Ra'ouf Ash-Sheik Ahmed, a 55-year-old teacher, was at home with his wife when the demolitions began. The couple sheltered in a room in their home until the afternoon when they felt something hit the wall of the house. They ran out, afraid their home would be torn down over their heads. IOF troops appeared surprised to see the old couple and in the end, did not demolish their home. Presumably, the IOF believed local residents had fled and that it had secured control over the area. Further, the fact that the Ash-Sheik Ahmed family home was left largely intact raises serious questions about the military necessity of destroying their home from the outset. The bulldozing of the homes in this neighbourhood was carried out when there were no hostilities in the neighbourhood.

***IHL Violation: Destruction of Civilian Homes in the Rafah border area***

On 28 December 2008, the IOF started to bombard the Rafah border area in the south of Gaza with precision aircraft missiles. Arguments made by the IOF that it was targeting tunnels in Rafah do not stand up to scrutiny. At the end of OCL war, the majority of tunnels in the area remained in place whereas 164 homes were totally destroyed and 144 homes partially destroyed. 2418 people including 1192 children lived in these homes.

This trend of demolishing civilians homes when there was no fighting represents a pattern that also occurred in the towns of Khuzaa and Abasan, the eastern and southern parts of Gaza city, Jabalia's Ezbat Abed Rabbo, the town of Beit Hanoun and Beit Lahiya's neighbourhood of Al-Atatra.

**Educational Facilities**

During OCL war, the IOF attacks destroyed or damaged 309 educational facilities. Of those, 226 were schools (7 destroyed completely), 69 were kindergartens and 14 were higher education premises. Thirty-six out of 124 UNRWA school buildings sustained physical damage; five of these schools were operating as temporary emergency shelters. No UNRWA school operated as a school throughout the 23-day offensive.<sup>42</sup>

Prior to OCL war the education system in Gaza was already severely hindered by the Israeli siege. In order to accommodate students, 151 of 351 government schools were operating on two separate shifts because restrictions on the import of construction materials inhibited the repair of existing schools and the construction of additional ones.<sup>43</sup>

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<sup>42</sup> Christopher Gunness, Spokesperson for UNRWA in a statement to DCI-Palestine (16 Jul. 2009).

<sup>43</sup> UNICEF, Gaza Crisis: UNICEF oPt External Information Note (3 Mar. 2009): [www.un.org.sy/uploads/UNICEF%20External%20Information%20Note%20Gaza\\_3%20Mar09-Eng.pdf](http://www.un.org.sy/uploads/UNICEF%20External%20Information%20Note%20Gaza_3%20Mar09-Eng.pdf) (accessed 7 Sept. 2009).



Beit Lahiya UNRWA school hit by white phosphorus on 17 January 2009

Three weeks into OCL war, on 17 January 2009, at around 6:00am, the Israeli military started firing artillery shells of white phosphorous over the Mashrou' Boys School in Beit Lahiya, north of Jabalia (near Beit Hanoun). On 5 January 2009, the school had been opened. UNRWA staff checked all people entering the school to prevent weapons from being brought onto the premises. The GPS coordinates of the school had been communicated to the Israeli army, and the school was included on a list of 91 provisional shelters which had also been communicated to the Israeli military before the military operation began. According to the UN Board of Inquiry report, some shells exploded above the school, dispersing white phosphorous-impregnated felt wedges into the school. A shell casing crashed through the roof and another one hit an open-air corridor; shrapnel and debris caused by these shells killed two brothers: Bilal Mohammed Shihda Al-Ashkar (5); Mohammed Mohammed Shihda Al-Ashkar (3); Thirteen other people were injured in the attack including the children's mother and their eight-yearold cousin Fatima. By 16 January approximately 1,900 displaced men, women, and children were taking refuge in the school, including 265 children under the age of three.

#### **Medical Facilities<sup>45</sup>**

During OCL war, the IOF killed 23 emergency workers (medics, sea and fire rescue workers). Of those, 17 were on the line of duty when they were killed. A further 50 emergency workers were injured. Extensive damage was intentionally inflicted upon medical facilities including:

- Palestinian Red Crescent Society: damage to 13 ambulances and complete destruction of one ambulance; partial destruction of administrative building in Tel Al-Hawa; partial destruction of cultural building in Tel Al-Hawa; total destruction of warehouse in Tel Al-Hawa; heavy damage to ambulance and emergency building in Gaza City. Al Quds Hospital in Tel Al-Hawa: partial destruction of hospital pharmacy

<sup>44</sup> 'Bearing the Brunt Again: Child Violations during Operation Cast Lead', Al Mezan and DCI Palestine, September 2009, p.72.

<sup>45</sup> Please see Al Mezan report documenting attacks on medical facilities: <http://www.mezan.org/upload/8569.pdf>



by shelling and the full destruction of doctors' accommodation section in Tel Al-Hawa by shelling; partial damage to Khalil Al-Wazeer Mosque Clinic by shelling.

- Military Medical Services: damage to four ambulances
- Non-governmental organisation managed medical facilities: Al Awda hospital was attacked on several occasions and two of its ambulances were partly damaged; the Union of Health Care Committees clinic located west of Gaza City was directly shelled and three mobile clinics damaged; Al Wafa hospital was directly shelled.
- Ministry of Health: partial damage to eight ambulances
- Civil Defense: damage to five civil defense buildings; destruction of two ambulances, one fire engine and one rescue vehicles

### **Water and Sanitation Facilities**

During OCL war the IOF damaged 112 wells of which 74 were completely destroyed and over 19,000 meters of water pipes were damaged by bombardments. This led to 500,000 Gazans losing complete access to clean running water and another 500,000 having access to water only several hours each week during the offensive. The remaining third of the population received water for 4 – 6 hours every 2 – 3 days. The destruction of water facilities was carried out with the IOF having full and detailed information on the location of every single pipe, tank and plant that was crucial to ensuring the Gazan populations access to water. In addition, when IOF ground troops entered the Gaza Strip south of Gaza City, they used the Gaza City Wastewater Treatment Plant as a base of operations. Tanks caused excessive damage by running over and crushing a two-meter wide pipe that transports 20,000 cubic meters per day of sewage to the plant. This released around half a million cubic meters of raw sewage into the aquifer for a period of 20 days. The F16 bombardments also destroyed one sewage lagoon and its content of sewage spilled out.

#### ***Case Study: Major Water Pipeline damaged in Israeli attacks***

During OCL war, Israeli forces attacked a major road junction underneath which is a major water pipe that connects five to seven wells in North Gaza to Gaza City. These wells accounted for around 40 percent of the Total water supply to Gaza City and deprived 200,000 residents, including around 100,000 children, of clean running water. The Coastal Municipalities Water Utility, in coordination with the ICRC, requested permission from the Israeli Coordination Unit in Erez to repair the pipes. This request was denied and the pipes were only repaired after the end of the invasion.

Access to safe water and the safe disposal of sewage in the Gaza Strip has worsened critically in 2009 as a result of the damage sustained during OCL war to the water and sewage facilities and the denial by Israel of necessary materials to rebuild these facilities. The impact of this on Gazan's access to health, food, and adequate housing is described in more detail under the section on the siege.

*“The deterioration and breakdown of water and sanitation facilities in Gaza is compounding an already severe and protracted denial of human dignity in the Gaza Strip. At the heart of the crisis is a steep decline in living standards for the People of Gaza...and a marked downturn in the delivery and quality of vital services in health, water and sanitation”* Max Gaylard, the UN Humanitarian Coordinator for the Occupied Palestinian Territory, September 2009.<sup>46</sup>

<sup>46</sup> AIDA, Water and Sanitation Hygiene Cluster, (Statement), Humanitarian organisations deeply concerned About the ongoing water and sanitation crisis in Gaza, (3 Sept.2009): <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKEA-7VJBD?OpenDocument>(accessed6Sept.2009).



### **Industrial and Trade Premises**

During OCL war, the IOF completely destroyed 101 industrial plants and partially destroyed 107 industrial plants. As a result, 2017 persons lost their jobs. With most employed persons in the Gaza Strip supporting at least six other people, these actions have affected over 12,000 people, half of whom are children, adding to an over 40% rate of unemployment. The IOF also totally destroyed 165 trade premises and partially destroyed 528 trade premises. As a result 777 persons lost their jobs.

#### ***Case Study: Livelihood Destroyed<sup>47</sup>***

Sameh Sawafeary, a father of 11 and the biggest chicken and egg farmer in the Gaza Strip, lost 50 years of hard work on one January day. Before Operation Cast Lead, he provided the Gaza Strip with 10% of its eggs. Every day he sold 1,000 Chickens and produced 120,000 packs of eggs. He even supplied the aid agency Oxfam with eggs to distribute to impoverished Gazans dependent on food aid. Along With other local people, the Israeli forces ordered Sameh into one room and then Told them they needed to flee the area or face death. The injured among them were unable to leave. When Sameh returned he was confronted with a terrible stench: Tens of thousands of his chickens were dead and his farm was destroyed. He Said that the injured people

When Sameh returned he was confronted with a terrible stench: tens of thousands Of his chickens were dead and his farm was destroyed. He said that the injured People who had been unable to flee had also died.<sup>48</sup> Sameh, whose farm only Weeks before had been the source of a food aid programme for his fellow Gazans, Had become a recipient of food aid himself for a short time after the war. He and His family now find themselves buried deep in debt and have begun to rebuild Their business from ground zero, although it has been very difficult. *'I have no other choice; we have no materials coming into Gaza because of the Israeli blockade. Usually businessmen move one step forward after years of work, but thanks to the Israeli army, my automatic farm has gone and now I have to start from scratch by building a manual farm instead.'* Said Sameh. *'I am waiting for compensation from the government or any donor so I can rebuild my farm and the lost future of my family. Every time Israel destroys my farm I will rebuild it because this is the only business and life I have.'*

### **The IOF's Failure to Investigate and the Need to End Impunity**

The grave IHL violations presented above have been documented by numerous Palestinian and international NGOs, as well as by several international bodies such as the Arab League and United Nations institutions. Despite the availability of incontrovertible evidence, an internally-led Israeli Defence Forces investigation into the alleged perpetration of crimes was closed on 30 March 2009 just 11 days after it started. This investigation failed to acknowledge a single one of the well-documented war crimes committed, and failed to fulfil basic international investigation standards of thoroughness, timeliness and impartiality.<sup>49</sup> Since then, the State of Israel has refused to cooperate with the UN Fact Finding Mission

<sup>47</sup> This case study has been taken from the 'Failing Gaza: No rebuilding, no recovery, no more excuses – A report one year after Operation Cast Lead, Joint report by a coalition of NGOS, December 2009, p,9.

<sup>48</sup> Oxfam Great Britain News Blog, Gaza:50 Years of Hard Work Destroyed, 22 January 2009: [www.oxfam.org.uk/applications/blogs/pressoffice/?p=3368&campaigns](http://www.oxfam.org.uk/applications/blogs/pressoffice/?p=3368&campaigns) cited in 'Failing Gaza: No rebuilding, no recovery, no more excuses – A report one year after Operation Cast Lead, Joint report by a coalition of NGOS, December 2009, p,9.

<sup>49</sup> See '[Statement Regarding Israeli 'Investigation' into War Crimes in Gaza: Investigation Violates the International Relevant Standards of Human Rights Law and Entrenches Impunity](#) 23 April 2009.



into OCL war headed by Justice Richard Goldstone. This continued impunity encourages the IOF to commit further crimes against the Palestinian population.<sup>50</sup>

### 1.3.2. Israeli Attacks after Cast Lead: 19 January 2009 – 31 December 2009

The violations perpetrated during OCL war were an escalation of ongoing Israeli policy. The direct targeting of civilians and civilian objects continued in the days, weeks and months after the declaration of two unilateral ceasefires on 18 January 2009. For example, IOF attacks carried out on the evening of 4 March 2009 and the morning of 5 March 2009 killed four Palestinians, injured four others and damaged eight homes.<sup>51</sup> On Friday 4 August 2009, Israeli soldiers positioned at the separation fence north east of Beit Hanoun town opened fired on Ghazi Az-Zaaneen, 14, as he was getting out of his father's car near their field which is situated east of Beit Hanoun town in the north of the Gaza Strip.<sup>52</sup> On Friday 13 November 2009, the IOF opened machinegun and artillery fire towards a group of seven children and youths who were near a solid waste dump located northeast of Wadi Gaza village. One child, 16-year-old Mustafa Mohammed Wadi was killed and another child, 17-year-old Ahmed Sa'doun, was injured.<sup>53</sup> On 22 November 2009, Israeli warplanes launched three air strikes at different locations in the Gaza Strip injuring 10 persons and destroying several Palestinian houses and other property.<sup>54</sup> In the first ten days of 2010, Israeli forces escalated attacks against the Gaza Strip killing eight Palestinians and injuring five. According to Al Mezan's documentation, 40 Palestinians were killed in Gaza after the end of Cast Lead offensive on 18 January 2009. Of those, two were killed in an extra-judicial assassination (one of whom was the target); and 19 were fighters who were killed during hostilities. Dozens were injured, 95 of whom were documented by Al Mezan. In addition, 29 people who were injured during OCL war died in hospitals in Gaza and abroad.

The Israeli forces have increasingly targeted farmers attempting to reach their land in the areas near the border with Israel. On Sunday 15 November 2009, the IOF opened fire from Beit Hanoun (Erez) Crossing at Palestinian bird hunters as they were in Swelem neighbourhood east to the Crossing, injuring one man.<sup>55</sup> On the same day, the IOF opened fire from Erez Crossing at Palestinian farmers who were in their farms at An-Nazaz neighbourhood east of Biet Hanoun town.<sup>56</sup>

Fishermen fishing just a few miles off the Gazan coast are particularly at risk of IOF attacks. For example, on 23 March 2009 at approximately 3.30pm, Israeli gunboats opened heavy fire at Palestinian fishing boats in the open sea close to Gaza beach. The shooting injured the fisherman Mohammed Mahmoud Al-Louh, 19, from Gaza City.<sup>57</sup> On Wednesday 25 March

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<sup>50</sup> See [Statement Regarding Israeli 'Investigation' into War Crimes in Gaza: Investigation Violates the International Relevant Standards of Human Rights Law and Entrenches Impunity](#) 23 April 2009.

<sup>51</sup> See [Israeli Occupation Forces Continue to Shell and Tighten Siege on Gaza Strip Al Mezan Center Calls on International Community to Take Immediate and Effective Action](#) 5 March 2009.

<sup>52</sup> See [The IOF Kills a Child in Beit Hanoun and Continues its Siege on Gaza](#) 6 September 2009

<sup>53</sup> See [IOF Kill Child; Arrest Four by Gaza Border. Al Mezan Condemns IOF Violations; Call for International Protection of Civilians](#) 14 November 2009

<sup>54</sup> See [Three Israeli Air Strikes Injure 10 Palestinians and Damage Palestinian Houses and Other Property, Al Mezan Condemns Escalation of Israeli Aggression](#) 22 November 2009.

<sup>55</sup> See [Al Mezan Condemns the Israeli Systematic Attacks against Civilians near Gaza Border in Pursuit of Enforcing Security Buffer Zone inside Gaza](#) 18 November 2009.

<sup>56</sup> Ibid.

<sup>57</sup> See [Al Mezan Center Condemns the Escalation of Israeli Violations against Palestinian Fishers and Calls on the International Community to Act, and Civil Society to Intensify its Solidarity Campaigns](#) , 25 March 2009.



2009, Israeli gunboats opened fire at a small fishing boat, which was in the sea west of the Fishers Port. The boat was close to the shore and had not gone beyond the Israeli imposed fishing limit.<sup>58</sup>

**Case Study: Attacking Gaza's Fishers**

At approximately 6.30am on Monday 6 April 2009, the IOF opened fire at 30 Palestinian fishing boats carrying 60 fishermen, as they headed out to the sea. According to statements made by the fishermen, the boats had not gone beyond a distance of 100 meters from the beach of Beit Lahia town when the IOF gunboats advanced towards them and detained ten fishers, including two children, and confiscated their boats. The rest of the boats managed to flee from the area. The IOF released the ten fishers on 7 April 2009, at approximately 11am and they were transported back to Gaza through Erez crossing.<sup>1</sup>

### 1.3.3 The Siege on Gaza: Year Three

In June 2009, the Israeli imposed siege on Gaza entered its third year. Israel continues to allow into the Gaza Strip only barely enough food and fuel to stave off mass famine and disease. This policy of collective punishment constitutes a flagrant violation of IHL as laid down in Article 33 of the Fourth Geneva Convention and threatens the lives, wellbeing and dignity of all Gazans on a daily basis. It also makes impossible attempts to rebuild the lives destroyed by IOF military actions during OCL war. This section provides a brief overview of the devastating human rights impact of this cruel and illegal closure policy.

#### The Right to an Adequate Standard of Living

The economy in Gaza continues to disintegrate as a result of Israel's closure policy. Tens of thousands of Palestinians have lost their jobs because of the siege measures. In 2009, Gaza imports remained largely restricted to basic food items while exports remained entirely banned. As a direct result of this closure policy, since June 2007 96 percent of industrial operations in Gaza have been shut down and there has been a loss of around 120,000 private sector jobs.<sup>59</sup> This increase in poverty has taken a heavy toll on the population's health as few families can afford a healthy and balanced diet. For tens of thousands of children this has resulted in micronutrient deficiencies, which lead to stunting, fatigue and a reduced capacity to learn. In May 2008, a survey showed that 70% of families were living on a dollar a day.<sup>60</sup> As explained above, Palestinian farmers and fishers attempting to eke out a living in the sea or the agricultural border areas are routinely attacked by the IOF.<sup>61</sup> The tunnels are the main source of consumer goods entering into Gaza from Egypt, most of which are overpriced and inaccessible to many Gazans. The illegal tunnels are an inevitable response to the siege, but come with dire consequences. Most of the people who work in tunnels are from very poor backgrounds and have been forced to undertake this kind of work to provide for their families under the difficult socio-economic conditions caused by the Israeli siege on Gaza. According to Al Mezan's documentation, the total death toll of

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<sup>58</sup> Ibid.

<sup>59</sup> UN OCHA OPT, Access For The Provision of Humanitarian Assistance to Gaza: An Overview of Obstacles to Delivering Principled Humanitarian Assistance, September 2009, p.3 cited in 'Failing Gaza: no rebuilding, no recovery, no more excuses', December 2009, p.8. <http://www.mezan.org/upload/9347.pdf>

<sup>60</sup> UN OCHA OPT, Locked in: The Humanitarian Impact of Two Years of Blockaded on the Gaza Strip, August 2009, p.5 cited in Failing Gaza: no rebuilding, no recovery, no more excuses', December 2009, p.8. <http://www.mezan.org/upload/9347.pdf>

<sup>61</sup> For further information please see *Gaza: 1.5 Million People Trapped in Despair*, ICRC, June 2009 [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/palestine-report-260609/\\$File/gaza-report-ICRC-eng.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/palestine-report-260609/$File/gaza-report-ICRC-eng.pdf)



Palestinians killed as a result of collapsing tunnels or Israeli aerial attacks on the tunnels is 139; including 10 who were killed as a result of Israeli airstrikes on tunnels. 267 people were injured from tunnel-related incidents/attacks.

Since October 2009, the IOF has imposed further restrictions on the supply of cooking gas to the Gaza Strip. According to Al Mezan's monitoring, the IOF allowed 2550 tons of cooking gas into the Gaza Strip, a daily average of 85 tons, during September 2009. In October, IOF reduced the amount to 1639 tons, i.e. 53 tons daily. During the first half of November 2009, the IOF has further reduced the amount to reach 457 tons, i.e. 30 tons per day. According to sources at the Ministry of National Economy in Gaza Government, the average need for the Gaza Strip's gas consumption is about 280 tons per day. The amount allowed into Gaza in November represented less than 10.7% of the daily needs of Gaza population.<sup>62</sup> This reduction has serious consequences for hospitals, bakeries and households.

The reconstruction of Gaza remains thwarted by the lack of access to the necessary materials. There is no or highly limited entry of most reconstruction materials, such as cement, wood, paint, etc., vital for repairing the damage inflicted on Gaza's civilian infrastructure during OCL.<sup>63</sup> A report, 'Failing Gaza: no rebuilding, no recovery, no more excuses: One year after Operation Cast Lead' published in December 2009 by a group of international NGOs<sup>64</sup> describes how after nearly one year since OCL war very little of the damage to homes, civilian infrastructure, medical facilities has been repaired.

### The Right to Housing

During OCL war, the IOF destroyed 3500 shelters beyond repair, and heavily damaged a further 2700 shelters<sup>65</sup> displacing approximately 37,200 people half of whom are children.<sup>66</sup> As a result, the housing crisis existing prior to OCL war has significantly worsened. UNRWA figures indicate that between the start of the Second Intifada in September 2000 and the launch of OCL war, the IOF completely destroyed 5670 shelters, of which only 2273 were repaired before Israel's siege made reconstruction impossible. Consequently, at current, the homes of nearly 10,000 families require reconstruction. A further 3000 dilapidated refugee shelters are in need of repair.<sup>67</sup> As a recent Save the Children study revealed, the demolition of homes, and the displacement of children has major mental health consequences on affected families, and especially the young.<sup>68</sup> Further, as a result of the deep poverty caused by the Israeli siege, many families have been unable to find adequate temporary accommodation and are still living in tents or their damaged properties, which presents grave risks to health and safety. Some 20,000 people remain displaced from their homes.<sup>69</sup> People are living with relatives, renting accommodation elsewhere or, in some cases, still living in tents.

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<sup>62</sup> See [Israel Steps up Gaza Siege; Reduces Cooking Gas Allowed into Gaza: Al Mezan Condemns Israeli Siege and Calls International Community to Intervene](#) 17 November 2009.

<sup>63</sup> 'Failing Gaza: no rebuilding, no recovery, no more excuses', December 2009. <http://www.mezan.org/upload/9347.pdf>

<sup>64</sup> 'Failing Gaza: no rebuilding, no recovery, no more excuses: One year after Operation Cast Lead', December 2009. <http://www.mezan.org/upload/9347.pdf>

<sup>65</sup> Figures received by email from UNRWA.

<sup>66</sup> Based on an average household family size of six

<sup>67</sup> See supra, note (65).

<sup>68</sup> [http://www.savethechildren.org.uk/en/docs/Broken\\_Homes\\_Advocacy\\_brochure\(1\).pdf](http://www.savethechildren.org.uk/en/docs/Broken_Homes_Advocacy_brochure(1).pdf)

<sup>69</sup> OCHA, 'The Humanitarian Monitor', December 2009,

[http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2010\\_01\\_18\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2010_01_18_english.pdf).



## The Right to the Highest Attainable Standard of Health

The Israeli imposed siege gravely threatens even the right to the most basic standards of health care. Due to prohibitions on the entry of materials required for repair, every day 69 million liters of partially treated or completely untreated sewage – the equivalent of 28 Olympic-size swimming pools – are pumped directly into the Mediterranean because they cannot be treated. Much of the sea water is not even fit for swimming because of the heavy concentrations of sewage in it. While emergency repairs carried out after OCL war have made it possible to restore basic water and sanitation services, the infrastructure is overloaded and remains subject to breakdown. Although chlorine is used to disinfect the water, the risk of sewage and other waste matter seeping into the water supply network represents a major threat to public health. Recent reports indicate that only 5% to 10% of Gaza's water is safe, while most of the water suffers from very high levels of contamination caused by bacteria and nitrates.<sup>70</sup> The water in the Gaza Strip is full of bacteria: about 57% of private wells are polluted by Chloride and only 5-10% of well water can be used as drinking water. Each year there is a shortage of between eighty and one hundred million liters of drinking water.<sup>71</sup> One of the worst affected areas in the Gaza Strip is Al-Shoka in the east of Rafah town. This area has no water network at all. Khan Younis is also suffering badly from similar water problems.<sup>72</sup> The right to water is intrinsic to the realisation of other rights such as life, health, adequate living and housing.

Gaza's health-care system cannot provide the treatment that many patients suffering from serious illness require. Tragically, many sick persons have not been allowed by the Israeli authorities to leave Gaza in time to seek healthcare elsewhere. Even when patients do obtain the necessary permits to leave, the transfer through Erez crossing is arduous. Patients on life support machines have to be removed from ambulances and placed on stretchers and then carried 60 – 80 meters through the crossing to ambulances waiting on the other side.<sup>73</sup>

### ***Case Study: Um An-Nasser Village in the North of the Gaza Strip***

On 27 March 2007, a sewage basin located in Um Nasser Village in the North of the Gaza Strip flooded killing five people. Since then, human rights organizations and health experts have been warning of a further impending disaster unless repairs were urgently undertaken. As a result of Israeli obstructions and the scarcity of materials due to the siege, repairs did not take place. Exactly two years later, on 27 March 2009, wastewater burst through the southern bank of the basin creating a large wastewater pool in a sunken area near the homes of residents living in the northern part of the village. It was only the presence of this sunken area which prevented a repetition of the disaster of two years previous. Local residents are now living in fear as they wait for a further disaster to occur.

<sup>70</sup> See [On International Human Rights Day, Al Mezan and the High Commissioner Organize a Conference, Gaza and the Right to Water](#), 15 December 2009.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/palestine-report-260609/\\$File/gaza-report-ICRC-eng.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/palestine-report-260609/$File/gaza-report-ICRC-eng.pdf)



Patients who can walk unassisted are often interrogated. A recent investigation by Physicians for Human Rights-Israel revealed the Israeli General Security Service has interrogated minors, harassed and intimidated patients and returned patients who refused to collaborate and provide them with information to Gaza.<sup>74</sup>

**Case Study: Infant Dies as Israel Prevents him from Leaving Gaza for Medical Treatment**

At around 7.30am on 3 June 2009, seven-month-old Zein Ad-Din Mohammed Zu'rob died from respiratory system and heart failure in the intensive care unit at European Gaza Hospital in Khan Younis. According to Al Mezan investigations, Zein's family obtained a medical referral for him to undergo medical treatment at Al-Maqasid Charity Hospital in East Jerusalem for 30 days starting from 18 May 2009. Al Mezan Center followed up this case with the victim's family in cooperation with Physicians for Human Rights-Israel (PHR-I), which contacted the Israeli District Coordination Office (IDCO) at Erez Crossing. The IDCO's answer was that they had not received an application for permission for the child to cross Erez to Jerusalem. Al Mezan Center contacted the Palestinian District Coordination Office staff in Gaza, who reported that they had sent an application for the child on 25 May 2009. The Israeli Occupation Forces (IOF) did not respond to the requests made regarding this matter until 3 June 2009 when seven-month-old Zein had died.

According to the WHO, 1103 applications for permits for patients to cross Erez were submitted to the Israeli Authorities in December 2009. 21% had their applications denied or delayed as a result of which they missed their hospital appointments and had to restart the referral process. Two patients died while awaiting referral including Fidaa Talal Hijji who died in November awaiting approval to cross Erez for urgent treatment in Israel.<sup>75</sup> Diagnosed in 2007 with Hodgkin's disease and she needed a bone marrow transplant. Fidaa's health was deteriorating rapidly. No response was received from the Israeli authorities and Fidaa died on 11 November 2009. The Israeli Authorities did approve her request on 12 November 2009, three days after her hospital appointment and one day after her death.<sup>76</sup>

Max Gaylard, the Resident Humanitarian Coordinator for the oPt, said on 20<sup>th</sup> January 2010:

"The continuing closure of the Gaza Strip is undermining the functioning of the health care system and putting at risk the health of 1.4 million people in Gaza. It is causing on-going deterioration in the social, economic and environmental determinants of health. It is hampering the provision of medical supplies and the training of health staff and it is preventing patients with serious medical conditions getting timely specialised treatment outside Gaza".<sup>77</sup>

### The Right to Education

Generally, basic education is available for children in Gaza, with UNRWA and government schools still have the capacity to ensure availability. There are however serious questions concerning the quality of education. Most pupils have a relatively short school day, as most schools work in two shifts. Israeli incursions and attacks caused a complete halt to schooling during OCL war. Pupils were not able to do their mid-year exams. At least 260 schools were

<sup>74</sup> See <http://www.phr.org.il/phr/article.asp?articleid=715&catid=55&pcat=-1□=ENG>

<sup>75</sup> World Health Organisation, Gaza Health Fact Sheet, January 2010.

[http://www.ochaopt.org/documents/ochaopt\\_who\\_gaza\\_health\\_fact\\_sheet\\_20100120\\_english.pdf](http://www.ochaopt.org/documents/ochaopt_who_gaza_health_fact_sheet_20100120_english.pdf)

<sup>76</sup> Ibid.

<sup>77</sup> See [http://www.ochaopt.org/documents/ochaopt\\_UN-AIDA\\_Gaza\\_health\\_statement\\_20100120\\_english.pdf](http://www.ochaopt.org/documents/ochaopt_UN-AIDA_Gaza_health_statement_20100120_english.pdf)



damaged and 18 destroyed.<sup>78</sup> The Gaza Strip education system serves over 440,000 children through 640 schools – many operate on double shifts; 36 out of 124 UNRWA school buildings sustained physical damage, five of these schools were operating as temporary emergency shelters. 105 new schools must be rebuilt in Gaza to cater for the increase in the population of Gaza schoolchildren.<sup>79</sup> The Israeli closure of Gaza has caused a severe lack of paper. Pupils used old textbooks during the 2008/2009 school year. The conditions of violence and severe poverty impact on the quality of education, both at schools and universities.

The impact on schools in Gaza of the recent fighting is incalculable and will have a devastating effect on the next generation. How does one measure the impact of the fighting on young minds? How can one calculate what in mental terms has been destroyed and what needs to be healed? And as for the physical damage, the schools damaged or destroyed are likely to remain in a state of disrepair while building materials are banned from Gaza. Unless the blockade is lifted soon, children will come back for the start of the school year in shattered and partially destroyed classrooms.” Christopher Gunness, Spokesperson for UNRWA, 16 July 2009.<sup>80</sup>

There are three universities in Gaza, which offer a limited number of programs for bachelor’s degrees. No programs are available in occupational therapy, physiotherapy, dentistry, and many other fields. Master’s degrees are even more limited, and PhD programs are non-existent. As a result, many Gazans choose to study in the West Bank and abroad. Presently, Gazans are entirely prohibited from studying in the West Bank and often university students with grants to study abroad are not allowed to leave Gaza. Those who cannot leave are left with limited options for further education in Gaza. University professors, teachers and health professionals are usually prevented by the Israeli authorities from participating in training courses and seminars abroad that would help them upgrade their skills and experience.

### 1.3.4 The Treatment of Palestinian Prisoners

Israel detains most Palestinian oPt residents in prisons and detention centres inside Israel, not in the occupied territory as stipulated in international law. At the end of 2009, the total number of prisoners is 7,053. 3,138 were arrested in 2009 (thousands were also released in 2009). 750 prisoners are from the Gaza Strip; including those deemed ‘unlawful combatants’ and two children. The total number of Palestinian child prisoners is approximately 300 and the number of women is 34. During 2009, the IOF arrested 21 children from the Gaza Strip; one of whom remains in prison.<sup>81</sup>

The Government of Israel has banned family visits to Gazan prisoners entirely since June 2007. This policy was upheld by the Israeli High Court on the ground that it did not represent a ‘basic humanitarian need’, and that the ban was not directly directed at the prisoners, but at their families.<sup>82</sup>

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<sup>78</sup> UNICEF, Back to school in Gaza, children welcome chance to resume normal lives: [www.unicef.org/emerg/oPt\\_47592.html](http://www.unicef.org/emerg/oPt_47592.html) (Accessed 6 Sept. 2009).

<sup>79</sup> Ibid.

<sup>80</sup> In a direct statement to DCI-Palestine cited in from the joint publication by Al Mezan and Defense for Children International – Palestine Section, ‘Bearing the Brunt Again: Child Rights Violations during Operation Cast Lead’, September 2009.

<sup>81</sup> Data from Al Mezan documentation and Ad-Dameer, Ramallah.

<sup>82</sup> See joint press release [http://www.mezan.org/en/details.php?id=9334&ddname=detention&id\\_dept=31&p=center](http://www.mezan.org/en/details.php?id=9334&ddname=detention&id_dept=31&p=center).



During 2009, the Israeli authorities escalated violations of the rules of IHL and human rights standards against Palestinian prisoners; in particular the UN Minimum Standards for the Treatment of Prisoners and those Deprived of their Liberty. Prior to the launch of OCL war, Israel passed an amendment to its 'Unlawful Combatants Law' and opened a special facility to keep Gazans who would be declared unlawful combatants. These measures led to serious violations of human rights during and after the CLO war; including torture.<sup>83</sup> Eighteen months after the ban on family visits of Gazan prisoners, at a 29 March 2009 session, the Israeli government took a decision to intensify arbitrary measures against Palestinian detainees, including the implementation of further discriminatory practices between detainees on the basis of political affiliation. The new arbitrary measures include preventing detainees from following the news in order to isolate them from the outside world; prohibiting the receipt of money required to purchase the basic necessities which Israel fails to provide despite having a legal obligation to do so; preventing new categories of detainees from receiving family visits, a measure previously limited to a category of detainees from Gaza; and increasing pressures aimed at forcing detainees to wear orange prison uniforms.<sup>84</sup> According to the Israeli authorities, these measures are aimed at exerting pressure on the prisoners and their families owing to the deadlock faced by the negotiations to release an Israeli soldier who had been captured since June 2006. The ban on family visits

***The indictment of Khalil Abu Jamous as an 'unlawful combatant'***<sup>85</sup>

On 7 July 2009, the IOF arrested Mohammed Khalil Abu Jamous, 28, in Nablus City in the West Bank. He was sentenced to a 20-month imprisonment. At the end of his sentence, he was not released by IOF, who filed a request by the court to convict him as an 'unlawful combatant'. The court did convict him, and he has since been under detention. Abu Jamous is from Khan Younis town in the south of the Gaza Strip. He is a father to one child. He works as a computer engineer at the Palestine Stock Market.

On Wednesday 4 November 2009, the Israeli Central Court in El Saba' (Beer Shiva) extended the detention of Khalil Salah Abu Jamous on the grounds that he is an 'unlawful combatant'. Abu Jamous had served a full imprisonment sentence and was supposed to be released on that same day. The court decision comes under the Israeli 'Unlawful Combatants Law', which allows the occupation authorities to treat Gazans as such; thus depriving them from their most basic rights and removing the protections that law affords them when exposed to detention. This Law allows for detaining Gazans without a trial or sufficient evidence.

<sup>83</sup> See ['Unlawful Combatants: The Violation of Gazan Detainees' Rights in Israeli Prisons'](#) 6 April 2009.

<sup>84</sup> See [AI Mezan Calls for Efforts to Expose Israeli Violations, Secure the Release of Prisoners and Defend their Human Rights](#) 17 April 2009.

<sup>85</sup> See [AI Mezan Condemns the Israeli Increasing Indictments of Gazans as 'Unlawful Combatants'; Calls International Community to Intervene](#), 16 November 2009.



## 1.4 Overview of the Violations by Palestinian Actors

During 2009, the Government in Ramallah and the Government in Gaza continued to perpetrate human rights violations against the Palestinian population; in many cases these violations qualify as gross human rights violations. In both the West Bank and the Gaza Strip, Palestinians continue to be detained on the basis of political affiliation. Freedom of movement and association is being heavily restricted and death penalty sentencing continues. The killing of women in honour-related crimes continue to go not, or lightly, punished. Arbitrary detention, cruel and ill treatment of detainees and torture are commonplace. Government policies and decisions hinder the enjoyment of basic human rights; particularly the rights to education and health. This section provides an overview of violations perpetrated by Palestinian actors in this reporting period.

### 1.4.1 Violations during OCL War

During OCL war, dozens of men were shot dead by unknown armed men in the Gaza Strip. In the same period, scores of others were beaten, shot in the legs, or otherwise ill-treated. Some were shot dead after fleeing Gaza's Central Prison after it was bombarded by the IOF. It is believed that those attacked had been suspected of collaborating with Israel or were attacked by individuals seeking to settle old scores during the chaos of the Israeli bombardment. To date, the perpetrators of these attacks have not been brought to justice.<sup>86</sup>

There are credible reports that violations of IHL were committed by Palestinian armed groups who fired rockets and mortar shells at Israeli civilian areas. The Goldstone Report criticized the attacks by Palestinian armed groups stated that some attacks "upon the civilian population of southern Israel and that where there is no intended military target and the rockets and mortars are launched into a civilian population, they constitute a *deliberate* attack against a civilian population. These acts would constitute war crimes and may amount to crimes against humanity."<sup>87</sup> According to the Goldstone Report, there were three civilian fatalities and one soldier in Israel resulting from the rocket and mortar strikes launched from Gaza.<sup>88</sup>

### 1.4.2 Political Arrests

The Government in Ramallah and the Government in Gaza continue to detain Palestinians on the basis of political affiliation. In Gaza, Al Mezan documents and publicizes these arrests and urges the government to respect its duties under Palestinian law and international human rights standards. In April 2009, large numbers of Fatah movement and Fatah Youth Organization activists and leaders were summoned for interrogation by the Government in Gaza's security apparatus throughout the Gaza Strip.<sup>89</sup> In June 2009, the security forces launched a widespread campaign to arrest Fatah affiliates and members.

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<sup>86</sup> See Joint Press Release: [We, the Undersigned Organizations, Condemn the Deterioration of the Rule of Law and Continued Internal Attacks in the Gaza Strip](#). 1 February 2009.

<sup>87</sup> Goldstone Report, 15 September 2009, p.32, para 108.

<sup>88</sup> Ibid., p.109.

<sup>89</sup> See [Al Mezan Condemns the Mass Summoning of Fatah Movement Leaders in Gaza and Calls for an Investigation into Violations of the Law](#) 23 April 2009.

**Case Study: Arrest Campaign of 6 June 2009**

At dawn on Saturday 6 June 2009, the security forces of the Government in Gaza launched a widespread campaign of arrests which continued in some areas until the afternoon of the same day. This campaign targeted Fatah movement affiliates and former employees of the Security Apparatus in all districts of the Gaza Strip. In many cases, security forces seized and confiscated personal computers and cell phones. According to information obtained by Al Mezan field researchers, the Internal Security Apparatus arrested 76 persons including Fatah activists, former employees of the Security Apparatus and liaison officers at the Ministry of Civil Affairs which included the director of a charitable association. One of the detainees, Mr. Rami Nesman, 37, was beaten when arrested. His father subsequently lost consciousness and according to Mr. Nesman, security personnel did not transfer his father to hospital. When Mr. Nesman's father was taken to hospital medical sources declared him dead arrival.<sup>1</sup>

**1.4.3. Death Penalty Sentencing and Deaths in Custody**

In this reporting period, 14 death penalty sentences were issued in the Gaza Strip. On Sunday 24 May 2009, the Permanent Military Court in the Gaza Strip sentenced the following three persons from the Gaza Strip to death by firing squad: in presence to Shadi Khader Deeb Ahmed, 30, and in absentia to Shadi Abdul Kareem al-Madhoun, 28, and Ra'ed Sabri al-Maqqousi, 28. They are all from Beit Lahiya town in the northern Gaza Strip. Six weeks earlier, on 7 April 2009, the Special Military Court for Public Security and the Police in the Gaza Strip sentenced the following four Palestinians from the Gaza Strip in absentia to death by firing squad after convicting them of the charge of "killing and forming an 'evil society': Hani Ibrahim Abdullah Zeideya; Bassam Kamal Mustafa Rahmi; Na'el Salaah Saaleh Juha; and Mohammed Salem Hussein al-Mathloun.

On Sunday 24 May 2009, the Permanent Military Court in the Gaza Strip sentenced three persons from the Gaza Strip to death by firing squad. The court issued a verdict of death by firing squad in presence to Shadi Khader Deeb Ahmed, 30, and in absentia to Shadi Abdul Kareem al-Madhoun, 28, and Ra'ed Sabri al-Maqqousi, 28. They are all from Beit Lahiya town in the northern Gaza Strip. They were sentenced to death after being convicted of premeditated murder, conspiracy to commit premeditated murder, carrying-out terrorist acts and kidnapping in contravention of the Revolutionary Penal Code of 1979 of the Palestine Liberation Organization and the Palestinian Penal Code (74) of 1936.<sup>90</sup>

On Thursday 29 October 2009, the Permanent Military Court in the Gaza Strip sentenced Abdul Kareem Mohammed Alabed Shreir, 35, from Az-Zeitoun neighborhood to death. He was sentenced to death after being convicted of treason.<sup>91</sup> In November 2009, the High Military Court in the Gaza Strip sentenced Mohammed Ibrahim Ahmed Ismail As-Sabea, 36, from Rafah Town to death. He was convicted of spying and cooperating with a hostile State.<sup>92</sup>

Al Mezan also documented several deaths in custody including the death of Zayid 'Aayish Jaradat, a 40-year-old father of nine. Zayid died on the evening of Monday 16 March 2009 in

<sup>90</sup> See [Military Court in Gaza Sentences Three Accused Persons to Death, Al Mezan Calls for Abolition of Death Penalty](#) 25 May 2009.

<sup>91</sup> See [Military Court in Gaza Sentences Accused Person to Death by Firing Squad, Al Mezan Calls for Abolition of Death Penalty and Stresses that the Law Employed in Trial Violates Fair Trial Standards](#) 1 November 2009.

<sup>92</sup> See [Al Mezan Reiterates its Call for Abolition of Death Penalty and Stresses that the Law Employed in Trial Violates Fair Trial Standards](#) 4 November 2009.



the custody of anti-drugs police in Rafah City after being arrested on Sunday 15 March 2009. Two months later, on Monday 15 June 2009 in the West Bank, 33-year-old Haytham Abadulla Amr died while in the custody of the Palestinian Intelligence Apparatus in the city of Hebron.<sup>93</sup>

#### 1.4.4 Freedom of Movement and Association

The Government in Gaza continues to prevent persons who have received permission from the Israelis to exit Gaza through Erez crossing from leaving the Gaza Strip. On Wednesday 20 May 2009, the internal security apparatus of the Gaza Government's Ministry of Interior prevented 90 women who were representing Gaza districts at the Fifth General Conference of the General Union of Palestinian Women from travelling to the West Bank to participate in the conference. When they attempted to hire a venue in Gaza City in order to link to the conference by video-conference, they were informed by hotel staff that they required a Ministry of Interior permit to do so.<sup>94</sup>

On 7 December 2009, the Gaza Government police prevented Palestinian travellers from accessing Erez Crossing Point, and asked them to obtain permission from the 'Travellers Office' at the Ministry of Interior and the 'National Security' apparatus in order for them to be allowed to leave the Gaza Strip. People who wish to leave Gaza must now register with this office at least three days before their designated travel date in order to obtain the permission. The Ministry also instructed travellers who are the Gaza residents and employed by the Ramallah Government, but do not go to their work, to obtain a visa from the 'Travellers Office' before registering at the correspondent coordination office.<sup>95</sup>

Measures that hinder free expression and peaceful assembly, both of which adequately respected by Palestinian law and protected from government interference, which Gaza Government enforced in 2007 and 2008 remain in place. Demonstrations and private meetings must be 'licensed' by the authorities. In many cases, they were not permitted, especially when opposition factions organized them. In other cases, private meetings and demonstrations were assaulted by the police and the internal security.

#### 1.4.5 The Right to Health

As described above, the population of the Gaza Strip suffers continuous problems in attaining its right to health as a result of Israeli policy. The Palestinian governments seriously escalated this situation in March 2009 when the Government in Gaza's Ministry of Health assumed control of the Department of Referrals Abroad (DRA) on Sunday, 22 March 2009 which had until that time remained under the control of the Government in Ramallah's Ministry of Health. This development was a clear sign of halting all efforts to coordinate healthcare for Gazan patients in Israel or the West Bank. In practice, patients cannot be referred to Israel owing to the decision of Ramallah Government to halt such referrals. Moreover, patients cannot access hospitals in the West Bank since the Gaza MoH decision to interfere and prevent the Ramallah government from carrying out its efforts to coordinate

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<sup>93</sup> See [Al Mezan Center Regrets the Death of a Man in Detention at the Hebron Intelligence Prison; Calls for Investigation into the Incident](#) 16 June 2009.

<sup>94</sup> See [Ninety Women Prevented from Travelling to West Bank, Al Mezan Condemns Violations of Right to Freedom of Movement and Political Participation](#) 21 May 2009.

<sup>95</sup> See [http://www.mezan.org/en/details.php?id=9303&ddname=&id\\_dept=31&p=center](http://www.mezan.org/en/details.php?id=9303&ddname=&id_dept=31&p=center).



the travel of patients through Erez crossing, because the Israeli Government refuses to coordinate with the Hamas-led Gaza Government and any of its bodies. Israel only will coordinate with the Ramallah government, including on the issue of referrals.<sup>96</sup> By the end of the reporting period, this problem was still affecting Gazas' right to health. Efforts to resolve it are still going on.

Regarding referrals for treatment in hospitals in Arab countries and elsewhere abroad through Rafah Crossing, the patients have become entangled in the same political conflict; often patients with referrals from the MoH in Ramallah trying to cross into Egypt from Gaza are denied passageway by Hamas staff at the Palestinian side of the Crossing under the pretext that their referrals are not valid and must be issued from the MoH of the Gaza Government. The patients then need to restart the entire process including getting all of the medical signatures needed, as well as new permission from the MoH in Gaza.<sup>97</sup>

Moreover, cases of medical negligence frequently go uninvestigated, even when they cause the death of patients. This only makes medical personnel feel protected from investigation and/or punishment, which could have serious implications on the health profession and people's life and wellbeing. Al Mezan followed a few cases of medical negligence in 2009 and ensured that they are investigated. Nevertheless, many other cases were not investigated.

#### 1.4.6 The Killing of Women (honour-related crimes)

During 2009, nine women were killed; including 5 on honour-related crimes. To date, the perpetrators of these crimes have not been brought to justice. There has been an escalation of incidents of killing women, in particular 'honour-related' killings and there are concerns that the authorities are not doing enough to bring the perpetrators to justice. Three women were killed within a period of two months in Deir Al-Balah governorate (Middle Gaza district).<sup>98</sup>

**Case Study: The killing of Ola Hasan Safi, 31**

At approximately 11.00pm on Tuesday 24 March 2009, the body of 31-year-old woman, (O. H. S.) arrived at Shuhada Al-Aqsa Hospital in Deir Al-Balah town in middle-Gaza district. She had been stabbed several times. According to information available to Al Mezan, at approximately 9.15pm on the same day, four young men arrived at the house of the victim, which is located in Al-Batani neighborhood in Maghazi refugee camp. The neighbors then heard screams coming from the house. The police arrived and took Mrs. Safi to hospital. According to the police, Mrs. (O. H. S.) had been stabbed several times in the neck and back. At approximately 8.15 am on Wednesday 25 March 2009, the victim's body was transferred to the pathologist in Al-Shifa Hospital in Gaza City.

<sup>96</sup> See [Al Mezan Urges the Governments in Ramallah and Gaza to Resolve the 'Medical Referrals' Profile, Respect their Responsibilities and Protect the Lives of Patients in Need of Medical Access Immediately](#) 15 April 2009.

<sup>97</sup> See [Al Mezan Urges the Governments in Ramallah and Gaza to Resolve the 'Medical Referrals' Profile, Respect their Responsibilities and Protect the Lives of Patients in Need of Medical Access Immediately](#) 15 April 2009.

<sup>98</sup> Al Mezan had a joint intervention with OMCT on this issue, and is drafting a report on honour-related crimes in Gaza.



## 1.5 The International Community

It can be argued that Israel is today – more than ever – an unpunished power that can freely break international law. The International Community, including individual UN member states, the European Union, and UN institutions such as the Security Council, have permitted, and continue to permit Israel to break international law and gravely violate basic human rights standards.

The international community bears obligations towards the population of Gaza. Those extend beyond simply the provision of humanitarian aid. The root cause of this humanitarian crisis is Israel's ongoing occupation of the Palestinian Territory it occupied in 1967, including the Gaza Strip, effective and control over which Israel continues to yield even following its redeployment of troops in 2005. Without work by the international community, including governments and civil society, to end Israeli occupation there simply can be no real change in the situation.

Humanitarian and emergency aid, though offering relief in the short-term, also informs the Israeli occupation. Aid projects are used by Israel to evade its own responsibility, explicit in international humanitarian law, to the occupied population under its control. While aid might save lives in the short run, it also relieves Israel to pay the costs of the destruction that its military actions lead to, and it gives increased budget availability for military spending which would finance future military operations with possible new destructions and damages.

While Al Mezan welcomes recent statements made by the United States Administration and the European Union calling on Israel to halt its illegal construction of settlements in the West Bank including East Jerusalem, these words cannot compensate for continued active support to the State of Israel which encourages it to continue and escalate its crimes against the Palestinian people. Third party states, intergovernmental organizations and unions, and international community at large bear obligations that are proportionate to their ability to influence the human rights situation in oPt. Omissions and inactions when it is possible to act are violations of human rights, as much as commissions are. The international community has both a legal and a moral responsibility to take real steps to compel Israel to halt its violations and to seek to bring to an end an entrenched culture of impunity by bringing perpetrators of war crimes to justice.

These steps must include:

- A UN concrete action towards ensuring Palestinians' right to self-determination and, until that is achieved, protection of Palestinian civilians in oPt
- A suspension of the EU-Israel Association Agreement and the upgrade process that is still going *de facto*
- A halt to military aid extended to the State of Israel until international community is satisfied that such arms are not used in violation of international law
- Efforts to prosecute suspects of perpetrating war crimes in courts which recognize the principle of universal jurisdiction
- Support for concrete action to be taken by the UN on accountability for the violations of IHRL and IHL including war crimes committed during OCL war.



On the Palestinian side, the Arab States and the international community must continue to urge the Palestinian authorities in the West Bank and Gaza to hold accountable perpetrators of human rights violations.

It is vital that the authorities in the West Bank and Gaza are encouraged to hold elections without delay, which were supposed to happen on 25 January. Elections represent an essential tool to fill the constitutional gap and foster democratic life for Palestinians. Under the current lack of Palestinian national unity around the conducting elections, or an agreement on delaying them to a specific date, the rule of law remains under a grave risk. Palestinians must be encouraged, not discouraged, to reconcile their differences and amend their political system by restoring its legitimacy. This is only attainable through reinstating national unity and agreement, not division and fragmentation, and in a wider context of a reconciliation process that adopts law and human rights standards as its core.

The international community must cease overlooking the human rights cost of its political motivated decisions and interventions in the oPt. This attitude must change for human rights and international law to become engrained in the oPt, the only viable environment for peace and stability in the region.

As a final word, it is important to highlight that the double standard employed by international community has serious negative impacts on the Palestinian people. Human rights violations and injustices need to be dealt with similarly in different places in the world, by the honest application of international law. Otherwise, people will further lose faith in international community and will probably develop rather radical reactions that can only be harmful for human rights.



## 2. Organizational Profile

### 2.1 Mission and Goals

As stated in Al Mezan's 3-Year Program Strategy Document 2006-2008, its mission is *“to promote, protect and prevent violations of human rights in general and economic, social and cultural (ESC) rights in particular as enshrined in the international human rights system; to provide effective aid to those victims of such violations; and to enhance the quality of life of the community in marginalized sectors of the Gaza Strip”*.

The Centre's goals can be stated as follows:

- To protect and promote human rights in the OPT, and especially in the Gaza Strip, through its problem-solving approach.
- To work towards the realization of Palestinians' individual and collective human rights, including the right to self-determination, through channels of international law.
- To enhance democracy and citizen participation in the OPT, and press towards good governance that respects human rights.

As mentioned in its program strategy 2006-2008, Al Mezan aims to achieve these broad goals through building capacity of its management and implementation of a multifaceted core program. Projects are to be considered as long as they do not contravene with the Centre's mission and goals, and whether they respond to needs not covered in the program.

### 2.2 Specific features of objectives/outputs

1. Monitoring and documenting daily human rights violations;
2. Obtaining and making available data and information on human rights violations to all the parties who can contribute to the promotion and protection of these rights;
3. Providing information to UN bodies and international human rights organizations on violations of economic, social and cultural rights in the Gaza Strip through advocacy tools and ongoing communication;
4. Contributing to professional reporting, studying and researching of the human rights conditions in OPT;
5. Monitoring, researching and producing analytical reports on the situation relating to ESC rights in the Gaza Strip and of the PNA annual budget to make recommendations to the appropriate decision-making bodies;
6. Contributing to the protection of human rights through access to human rights mechanisms and networking at the local, national and international levels;
7. Providing legal aid and advice to victims of human rights violations, with special focus on cases related to ESC rights;
8. Making available channels of redress for victims;
9. Monitoring draft laws or proposals and advocate for their compliance with internationally recognized international and human rights standards to both PLC members and members of the Government;



10. Raising awareness among the local community or specific target groups of their rights and legal issues in general;
11. Raising awareness in the local community about ESC rights and PNA budgetary policies as a tool of ensuring better enjoyment of these rights
12. Raising public awareness of human rights (especially ESC rights), democracy and the rule of law;
13. Involving more Palestinians in the decision-making process by empowering the local community and providing instances for public accountability;
14. Coordinating with local NGOs and media and disseminating information and principles relevant to human rights and the rule of law.

### **2.3 Structure**

Al Mezan has continued to function with its same general structure with its Board of Director effectively involved in developing and overseeing policy and management, an Administrative Unit and a Planning and Follow-Up Committee conducting day-to-day management, public relations and fund-raising, monitoring and evaluation, and four units covering all of its program components.



### 3. Core Program: 1 January – 31 December 2009

#### 3.1. Overall achievement

Al Mezan faced challenges that influenced its work during the reported period. Certain activities were dramatically increased in order to respond to emerging needs. Other activities were postponed due to the situation in Gaza, or cancelled in light of relevant developments.<sup>99</sup> Nevertheless, overall, during 2009 the Centre was able to implement the majority of its planned activities in pursuit of the desired results and outcomes. Extra activities that respond to human rights situations were also implemented. The Centre was also able to double its efforts and cover new areas of activity.

The following paragraphs show the achievements in light of the indicators of achievement, as stated in the 2009 annual plan of action, and the actual achievement:

✓ *Goal 1: To contribute to protecting and promoting human rights*

During the reporting period, Al Mezan handled a greater **load of cases as those in the previous three years together**.<sup>100</sup> Over 500 cases were referred to legal assistance unit. Five ESCR cases were followed by Training & Mass Communication Unit following referral from the Field Work Unit. Reports and cases were provided for the **UN Fact Finding Mission, UN Board of Inquiry**<sup>101</sup> and other mechanisms. App. 2,000 people approached Al Mezan seeking help. 646 people received advice and 912 received legal assistance. 595 cases ended successfully.<sup>102</sup> 92 requests for awareness/training services were received; 79 were met. Over 80 of people/organizations requested lawyer training on human rights. Increase in number of invitations to the staff to lead training sessions and advocacy meetings and workshops. 110 statements and press releases were made by Al Mezan. 51 joint statements, releases and letters were made with Palestinian NGOs, Israeli NGOs and international NGOs. Increase in engagement with UN agencies. Increase in statements made by UN agencies and international organizations following coordination with Al Mezan (EMHRN, UNICEF, PSWG, OMCT, FIDH, HIC, COHRE...etc.). Two joint interventions with CAT and Human Rights Committee. 3445 people benefited from the awareness/training activities under the Core program in 2009. Another app. 2,000 benefited from awareness/training activities under projects. A high increase in appearances in the local media and international media (over a 1000 times in 2009).<sup>103</sup> 56 cases of technical assistance provided.

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<sup>99</sup> For instance, the planned summer camps were cancelled in light of UNRWA and other actors enormous increase of organizing summer games and camps. Simply, the Centre believes that there is no need currently to implement this activity.

<sup>100</sup> 21659 cases in the period 2006-2008 compared with 22,128 cases in the period 1 January – 30 June 2009.

<sup>101</sup> Appointed by the UNSG to investigate 9 attacks on UN staff and buildings during Israel's Operation Cast Lead.

<sup>102</sup> This includes specific cases of individuals and groups, such as 57 prisoners who received appropriate representation in Israel, 54 people who were able to leave Gaza for healthcare, 7 case of fishermen whose boat was returned to them after IOF confiscated it, 7 cases of civilians used as human shields (inc. 3 children), 34 people who were killed by IOF, 11 people who were arbitrary detained in Gaza, 12 victims of medical negligence, 5 cases of torture in Gaza, 7 cases of CBOs that were arbitrarily closed in Gaza, and 412 cases of unlawful destruction of property. A petition to the Israeli High Court of Justice is expected to benefit app. 10,000 people who should receive social security benefits from Israel. At the policy level, the Centre intervened in situation where disrespect of human rights put people's life at risk, such as the case of polluted water. The Centre also challenged other issues, such as arbitrary and political detentions, restrictions on free expression and amendments to the laws in Gaza.

<sup>103</sup> Many such interviews and appearances were not documented during Operation Cast Lead.



- ✓ *Goal 2: To contribute to realizing Palestinians' individual and collective human rights; including the right to self-determination.*

Noticeable increase in the number of statements made by relevant UN bodies (SR on HR in OPT, HRC, CAT, other SR's, GA, SC) and the EU.<sup>104</sup> 101 meetings with diplomats/representatives visited Al Mezan. 57 tours organized for diplomats, journalists, and representatives and delegations representing international organizations around the Gaza Strip to present an idea about the human rights situation. Increase in number of joint actions with human rights organizations and networks; including reports focusing on human rights in Gaza, joint submissions to UN mechanisms and jointly hosted fact-finding missions by human rights networks and joint legal interventions in Israel and abroad. The human rights situation in Gaza was presented on the agenda of various international fora and UN agencies; including through advocacy missions and interventions to EU Member States and meetings with high level UN officials. Joint intervention in the efforts towards supporting internal conciliation while ensuring respect of human rights and accountability in the process. Stronger stress on challenging day-to-day human rights violations in oPt, while also stressing the need to end occupation and ascertain democracy and the rule of law.

- ✓ *Goal 3: To contribute enhancing democracy, rule of law and participation.*

Increased consultations among civil society concerning reconciliation and ensuring the rule of law. Increased discussions and consultations with the authorities in Gaza and the West Bank to ensure respect of the law and human rights. More interventions in situations and policies that violate human rights; especially respect of the due process, political detention, unlawful infringements on public and personal freedoms, differences that affect access to health care, allegations of ill treatment and torture, honour killings...etc. strong contribution to investigating grave violations of human rights and IHL in Gaza. Increase in the number of people who benefited from legal intervention and training/awareness activities. Raising various issues/policies that affect the enjoyment of human rights and the rule of law; including monitoring of amendments to law in force that could jeopardize human rights and freedoms. Promotion of free expression and free assembly in the context of the right to education in Gaza universities with effective participation of relevant stakeholders.

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<sup>104</sup> Although many of these statements may not have been directly influenced by Al Mezan's work, the Center's monitoring, documentation, reporting and advocacy, individually and/or jointly with other actors, generally helped asserting human rights in them.



### 3.2. Outcomes/results

In addition to the above overview, Al Mezan's plan of action for the year 2009 identifies a set of indicators of achievement that relate to the Centre's objectives outcomes. The following table reports on the achievement as per each area of activity.

- ✓ *Enhanced organisational capacity:*
- ✓ *Sustained capability, readiness of the Centre to pursue its mission; goals:*
- ✓ *Staff skills promoted:*

Indicators	Actual achievement
<ul style="list-style-type: none"> <li>- Effective, sound managerial and financial procedures in place towards fulfilment of Al Mezan's mission and goals</li> <li>- Smooth and effective internal communication</li> <li>- Sound responsiveness to changing conditions with impact on HR</li> </ul>	<ul style="list-style-type: none"> <li>- Capacity-building project to upgrade financial and administrative manuals concluded successfully.</li> <li>- New procedures adopted and effectuated based on upgrade process and administrative report for 2008; including development of databases for effective management of legal aid activities and precise calculation of depreciation.</li> <li>- Internal communication going smoothly, staff continuous access to telephone, internet and database services.</li> <li>- Weekly and monthly internal meetings organized for monitoring and assessment of activities. Increase in the number of internal referrals among units.</li> <li>- Strong, timely responses to developments; including Operation Cast Lead and its aftermath, and the developments impacting on human rights at the internal level.</li> <li>- Planning &amp; Follow-up Committee regular and ad hoc meetings to discuss the situation and discuss responses and solution.</li> </ul>
<ul style="list-style-type: none"> <li>- Sustainable resources for program and projects</li> <li>- Transparent management</li> <li>- Expansion of program, project donor pool</li> <li>- Optimal progress of implementation of plans</li> <li>- Plans developed, put into effect</li> </ul>	<ul style="list-style-type: none"> <li>- Resources for the program and management recruited, including funding that was sufficient to operate the program; staffing and procurement, although with some delays owing to the security and humanitarian circumstances in Gaza. In response to Operation Cast lead, the Centre recruited funds for six projects to support its protection and prevention actions.</li> <li>- Successful upgrade process; mentioned in the cell above, was aimed at strengthening management and transparency. Al Mezan continues to observe a high level of transparency through engaging its Board and all donors in any relevant developments.</li> <li>- Successful recruitment of several posts in the core programme, projects, volunteers, interns, and consultancy services (please see the Admin Unit Activities section below for details about recruitment).</li> <li>- Despite advertisement and interviews, some positions were not filled during 2009; including the senior</li> </ul>



	<p>post of Coordinator or Legal Assistance Unit.</p> <ul style="list-style-type: none"> <li>- Recruitment procedures were undertaken transparently; advertisements published in newspapers, committees assigned to select optimal applications, preparing written, unanimous tests, and interviews. Minutes of all recruitment procedures are available and approved by the Board of Directors.<sup>105</sup></li> <li>- Expansion of the donors pools witnessed satisfactory progress. Four new donors supported projects. Two new donors joined the core donors; both of whom were NGO donors.<sup>106</sup></li> <li>- Progress monitored carefully and effectively, based on weekly reports checked against plans by staff members and units. Most of the planned activities were carried out despite the challenging circumstances. Several new, additional activities were carried out in response to developments (see activities section below for details).</li> <li>- Planning by units and staff members is a continuous process, based on weekly, monthly, quarterly and annual planning in order to maintain appropriate implementation of the program. In March 2009, all-staff meetings were held to plan for recovering from the implications of Israel's Operation Cast Lead and respond to human rights needs that emerged due to it.</li> </ul>
<ul style="list-style-type: none"> <li>- Higher standard of performance in management, reporting, research and communication</li> <li>- Greater involvement in planning, management by staff members</li> </ul>	<ul style="list-style-type: none"> <li>- Steps have been taken to support management was with financial staff; including promotion of experienced financial officer and recruitment of a new accountant (as mentioned in the cell above). A change in the structure starting 1 January 2009 included appointment of a communications and int'l relations coordinator to deal with communications and aspects of program management. New databases were developed for better communication between units and the administration (particularly the legal assistance unit and the administration). Research was supported by new staff members and consultants with relevant expertise.</li> <li>- Through communications with units, monthly all-staff meetings and ad hoc measures, staff members take an active part in planning.</li> </ul>

✓ *Strengthen liaising, networking and HR advocacy domestically and internationally:*

Indicators	Actual achievement
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<sup>105</sup> Al Mezan recruited two international law experts on a project; however, could not get them into Gaza in June 2009. One of them was able to enter Gaza from Egypt on 30 December 2009, and has been working on the project with a local expert. The project was extended until the end of June 2010. Another international worker, coordinator of a project, had to leave Gaza due to new measures introduced by the Israeli authorities regarding the movement of humanitarian workers in and out of Gaza.

<sup>106</sup> Medico International – Germany and the Open Society Institute.



<ul style="list-style-type: none"> <li>- Greater involvement in debates on the HR sector and its performance</li> </ul>	<ul style="list-style-type: none"> <li>- Al Mezan's engagement with UN agencies and HR coalitions increased significantly in 2009. Al Mezan took part in the UN CAP process for the year 2010 and continued to effectively sit on the 1612 and Protection Cluster groups.</li> <li>- Al Mezan was a leading organization in the establishment of the Palestinian Human Rights NGOs Council, one of its goals is to put to scrutiny major human rights issues. The Council issued statements and consultations on major issues, such as the internal dialogue and human rights, the internal investigations in light of the Goldstone Report, and the relationship between the authorities and human rights organizations. Al Mezan is a member of the Coordination Committee of the Council, which encompasses three member NGOs.</li> <li>- In liaison with human rights NGOs, Al Mezan formed three coalitions. The first is with Al-Haq an Adalah, through which documentation and filing of complaints against HR and IHL violations was carried out in Israel and abroad. A second coalition was formed to work on a project in combating torture with Adalah and Physicians for Human Rights-Israel. The third is a large coalition of Palestinian, Israeli and international HR NGOs. This latter coalition worked on the promotion of protection through accountability and advocacy with the UN, EU, etc.</li> <li>- Cooperation with EMHRN, DCI-Palestine, SCUK, SCS, OSI, Medico International, Diakonia, and UN agencies increased in 2009. Joint activities included hosting missions, joint reports (with DCI-ps), joint petitions, and a high number of joint statements and letters.</li> <li>- Al Mezan also actively participated in the deliberations regarding the new UNRWA human rights curriculum, its content, implementation, and monitoring.</li> <li>- Under the presence of severe problems that impeded access to healthcare and education, Al Mezan increased its work with PHR-I and Gisha to make interventions and ensure such access for people at risk.</li> <li>- In cooperation with OHCHR, Al Mezan conducted a significant conference on water and sanitation in Gaza, in which WHO, Oxfam-led Advocacy Task Force, and local bodies took part. Al Mezan and OHCHR also organized a specialized training on ESCR for CBOs.</li> <li>- Eight ESCR issues, as follows:             <ol style="list-style-type: none"> <li>1) successful intervention in the water problem in Rafah via a face-the-Public meeting and follow-up; 2) the sanitation problems in Gaza City, for which committee to follow on problems and bring about solutions,<sup>107</sup></li> <li>3) the sanitation and environment problems in Khan Younis; 4) the problem of Israel's halt of social</li> </ol> </li> </ul>
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<sup>107</sup> The people who had suffered from these problems published a letter thanking Al Mezan for its intervention and follow up of the ESCR problems, which saw successful results.



	<p>security benefits to Gaza residents (Israeli High Court joint petition); 5) the water and sanitation rights in the Gaza Strip, 6) protection of civilian property in the Buffer Zone; 7) access to healthcare; and 8) ESCR in the context of conflict. Moreover, in April 2009, Al Mezan organized a workshop on human rights protection for fishermen in Rafah. In the same month, the IOF attacked fishermen and confiscated their boat in the sea. The fishermen responded quickly by visiting Al Mezan's office and filing a complaint. The legal intervention by the Centre was successful and their boats were returned to them.</p> <ul style="list-style-type: none"> <li>- Al Mezan also raised the issue of teacher-child violence in schools in interactive dialogues on a local radio station.</li> <li>- Al Mezan raised the issue of internal Palestinian split as a source of human rights violations, and jointly called for genuine, human rights-based process of reconciliation.</li> <li>- Al Mezan has acted as a reliable source of information on human rights in Gaza and responded to thousands of requests of information. Dozens of organizations receive information from Al Mezan on a weekly basis. Dozens of letters, reports, articles, briefings and investigations made use of the information; many of which in the form of joint actions.</li> </ul>
<ul style="list-style-type: none"> <li>- Greater involvement in joint advocacy events</li> </ul>	<ul style="list-style-type: none"> <li>- Al Mezan was actively involved in joint advocacy with Palestinian, Israeli and international organizations in 2009. Joint advocacy issued were carried out on access to health, torture, accountability and ESCR. Joint advocacy activities were carried out in the UN (Geneva and New York), the EU (Brussels, Madrid, Amsterdam)<sup>108</sup>, Ramallah and Jerusalem (focusing on diplomats and the media). 51 joint statements, releases and letters were issued in 2009; many of which initiated and led by Al Mezan.</li> <li>- Al Mezan issued a joint advocacy statement with three other Palestinian NGOs on internal oppression and killings carried-out during Operation Cast Lead.</li> <li>- Al Mezan took a very active part in supporting the investigations by the UN and other international investigation missions; including the Board of Inquiry and the UN Independent Fact Finding Mission.</li> <li>- Al Mezan launched a joint three year project to combat torture with Physicians for Human Rights-Israel and Adalah – the Legal Centre for Arab Minority Rights Israel for which advocacy is a major component. This coalition communicated information to <a href="#">Committee Against Torture</a> and the <a href="#">Human Rights Committee</a>.</li> <li>- Al Mezan, Al-Haq and Adalah filed 13 complaints with the Israeli Military Advocate-General in 2009</li> </ul>

<sup>108</sup> The siege of Gaza hampered Al Mezan's ability to take a direct part in the activities in Geneva and the EU. The Centre took part in the advocacy activities in Madrid, but staff members could not leave Gaza to take part in other advocacy missions. Nevertheless, the Centre was part of the planning and design of all these activities, and provided information for them.



	<p>against the Israeli army's HR and IHL violations during Operation Cast Lead. Preparations to file another 19 complaints continued throughout the year. Of the complaints that were filed, Israeli military police opened investigations into seven cases. Al Mezan facilitated the victims and witnesses access to Erez Crossing so that those give testimonies to the Israeli military police in the course of these statements.</p>
<ul style="list-style-type: none"> <li>- Expansion of partnership/membership in HR networks and coalitions</li> </ul>	<ul style="list-style-type: none"> <li>- Already an active member in 13 networks, in early 2009, relations with Palestinian NGOs were institutionalized through the establishment of the 'Palestinian NGOs Human Rights Council', in which Al Mezan is a lead member, aimed at facilitating greater cooperation and strengthening the impact of all members.</li> <li>- Al Mezan took an active part in the work of the UN-led Protection Cluster and the drafting of its strategy. In December, an 'Accountability Task Force' bringing together local and international HR NGOs was formed to promote protection for HR in oPt.<sup>109</sup></li> <li>- Al Mezan focused on its application to obtain the consultative status of ECOSOC. It successfully updated its application and followed its consideration by the UN NGO Branch in New York. A vote is expected in July 2010 session.</li> </ul>
<ul style="list-style-type: none"> <li>- Stronger presence in local and int'l media with clear HR messages</li> </ul>	<ul style="list-style-type: none"> <li>- A sharp increase in appearance in int'l media and local media. Media outlets regularly cited Al Mezan as a source of information for human rights issues in Gaza including Reuters, The Guardian (UK), Haaretz (Israel), the Herald (Australia), Sky News; CNN; BBC; Al-Jazeera; Channel 4 (London), AP, Al Quds TV, and various radio stations in OPT, Israel, the USA, Sweden, South Africa and Norway.</li> <li>- Al-Jazeera selected Al Mezan for a documentary in which it showed the Centre's efforts and its field workers activities during the circumstances of war. Al Mezan was also interviewed in a documentary on Operation Cast Lead and the use of prohibited weapons by the Italian TV station RAI 3.</li> </ul>

✓ *Contribute to availability of adequate HR library sources availed for the community*

Indicators	Actual achievement
<ul style="list-style-type: none"> <li>- Maintain and expand the Mezan Library</li> </ul>	<ul style="list-style-type: none"> <li>- The library in Jabalia office was not expanded due to the lack of construction materials and wood in Gaza.</li> <li>- Computed access to the library and its content was upgraded, however.</li> </ul>

<sup>109</sup> Al Mezan's cooperation and engagement with UN agencies developed significantly in 2009. There were engagements with almost all UN agencies that work in, or on, Gaza; including UNRWA, OHCHR, UNICEF, WHO, OCHA, WFP, and FAO. Nevertheless, Al Mezan has grown critical to the UN-led humanitarian response, which has failed to address human rights protection and accountability adequately. Al Mezan has communicated this concern to the UN agencies and has been advocating for a more sound human-right-centred involvement by the UN.



	<ul style="list-style-type: none"> <li>- The library was supplemented with new 285 sources; including books, children books. It was also supplemented with hundreds of local publications.</li> </ul>
<ul style="list-style-type: none"> <li>- Expand library service to cover Gaza City</li> </ul>	<ul style="list-style-type: none"> <li>- Plan to expand the library service to Gaza City has been delayed again due to the lack of necessary materials.</li> </ul>
<ul style="list-style-type: none"> <li>- Maintained and up-graded website</li> </ul>	<ul style="list-style-type: none"> <li>- Upgrading the web site continued (please check <a href="http://www.mezan.org">www.mezan.org</a>) (see detailed information under the admin Unit and Field Work Unit activities).</li> </ul>

✓ *Effective monitoring and documentation of HR violations*

Indicators	Actual achievement
<ul style="list-style-type: none"> <li>- Ability to maintain continuous presence in the field/ number of cases documented</li> </ul>	<ul style="list-style-type: none"> <li>- 43 field workers were recruited, trained and distributed across the Gaza Strip in order to document human rights and IHL violations. One of those was recruited to document cases of torture and other forms of cruel, inhumane and degrading treatment under an EU-funded project.</li> <li>- After the successful documentation of the HR and IHL violations that occurred during Operation Cast Lead, Al Mezan's Field Work Unit returned to its original structure; i.e. Coordinator, five field workers, each deployed in a single district in Gaza, and a data-entry officer.</li> </ul>
<ul style="list-style-type: none"> <li>- Readiness to provide HR data and refer cases internally and externally/ number of cases referred and times information provided</li> </ul>	<ul style="list-style-type: none"> <li>- Readiness maintained and strengthened during 2009 through upgrading the database system. The Centre documentation shows that it provided information to the media and other organizations over 8,000 times during 2009.</li> <li>- Al Mezan maintained its work on documentation and reporting, even under the conditions of war. This enabled the Centre to provide reliable information, raise awareness, support advocacy, but also gain stronger standing locally and internationally.</li> <li>- A significant increase in sharing and providing information and in referral cases.</li> </ul>
<ul style="list-style-type: none"> <li>- Increased demand on data and information internally and externally compared with previous years</li> <li>- Capacity to retrieve information from the databases effectively/ number of times databases fed and reported extracted</li> <li>- Number of times data and information used in internal and external reporting</li> </ul>	<ul style="list-style-type: none"> <li>- The level of demand on the Center's increased dramatically during the reporting period. In 2008, the FWU responded to 2800 requests for information, internally and to other organizations who requested information. In 2009, the number increased to app. 8,000. Information was extensively used by the media and in the reports produced by local and international organizations concerned with human rights.</li> <li>- The staff fed the databases with information 22,128 times, including full questionnaire forms, daily news.</li> <li>- Al Mezan provided information to humanitarian agencies and NGOs which sought to identify victims who needed such humanitarian aid in the Gaza Strip.</li> <li>- The upgrading of the documentation databases continued during the reporting period; including</li> </ul>



	<p>through hiring the services of an in-house professional database consultant. The upgrading process included unifying the databases, establishing internal links, and strengthening verification of the data.</p> <ul style="list-style-type: none"> <li>- Al Mezan has recruited funds to support the data-entry. Before the end of 2009, all the information; including questionnaire forms, supporting documents, photos, videos, testimonies...etc. were fed to the database. This will enable the Centre to access reports electronically and quickly.</li> <li>- Al Mezan remains one of the main sources of information, and the only source of disaggregated information about human rights violations in Gaza.</li> </ul>
- Number of times information used for legal intervention	<ul style="list-style-type: none"> <li>- 517 cases referred (388 legal intervention) during the reporting period. Most legal interventions took the form of communications and meetings rather than litigation, owing to the fact that human rights organizations boycott courts in Gaza. Over 60 other cases were referred to PHR-I for assistance to access healthcare in Israel and the West Bank.</li> <li>- Joint interventions and reporting were heavily based on the field work unit's documentation.</li> </ul>
- Number of reports and videos based on monitoring/documentation	- Around 1500 photos and 30 video films of human rights violations produced by the FWU.
- Number of questionnaires and affidavits/testimonies collected	- 20,016 questionnaires collected

✓ *Maintain HR records and case files; ensure readiness to use them for protection/prevention purposes*

Indicators	Actual achievement
- Number of properly documented cases	<ul style="list-style-type: none"> <li>- As mentioned above, thousands of cases were investigated for database documentation.</li> <li>- During Operation Case Lead, the staff investigated hundreds of cases for documentation and/or verification.</li> <li>- A significant increase in documented cases, which were used for reporting as well as preparation of litigation. This includes 7 cases of use of civilians as human shields, cases of use of prohibited weapons in civilian areas, two cases of child deaths due to restriction of access to healthcare, cases of imprisonment under the law of unlawful combatants, 19 of conducts that may qualify as war crimes, cases of killing of children, cases of child-soldiers, attacks on educational facilities, impacts on water and sanitation.</li> <li>- At the local level, the FWU documented over 1000 cases of detentions that appeared to have been conducted without respect to the due process. It also investigated tens of allegations of torture by the Gaza authorities. Several other cases of medical negligence, and honour-related killings were investigated and documented.</li> </ul>



	<ul style="list-style-type: none"> <li>- The FWU also investigated two cases concerning ESCR prior to the organization of two Face-the-Public meetings. It also investigated the water/sanitation situation for reporting and a conference.</li> <li>- Under the "Combating Torture", 43 cases of T/CID were also investigated during 2009.</li> </ul>
<ul style="list-style-type: none"> <li>- Number of cases referred for post-violation and pre-violation intervention</li> </ul>	<ul style="list-style-type: none"> <li>- The vast majority of cases were investigated after violations occurred. This includes all of the detention and torture cases mentioned above. It also includes the interventions on behalf of victims of prevention of access to health, who are always denied access and then need intervention.</li> <li>- Nevertheless, many other cases and issues related to human rights were investigated before the violations, based on complaints from people or on the Centre's appreciation that certain conducts or policies posed risks on people. This includes ESCR cases that were raised through Face-the-Public program. It also includes interventions at the policy level, where legal action and/or advocacy efforts aim to revoke policies that might affect human rights, such as restrictions on medical access, the employment of torture and degrading treatment...etc.</li> </ul>
<ul style="list-style-type: none"> <li>- Number of interventions based on documented cases, number of people assisted</li> </ul>	<ul style="list-style-type: none"> <li>- Over 1,000 interventions based on Al Mezan's documentation and investigation.</li> </ul>
<ul style="list-style-type: none"> <li>- Volume of intervention in and out of court based on Mezan's own documentation</li> </ul>	<ul style="list-style-type: none"> <li>- Volume of intervention increased significantly, both in terms of quantity and quality.</li> <li>- Joint interventions also increased significantly.</li> </ul>

✓ *Maintained research & reporting on HR violations with focus on ESCR for use in information and advocacy*

Indicators	Actual achievement
<ul style="list-style-type: none"> <li>- Number of reports &amp; studies conducted</li> </ul>	<ul style="list-style-type: none"> <li>- Al Mezan published 15 human rights reports in this reporting period</li> <li>- Al Mezan issued 19 press releases which tackle specific violations</li> <li>- Al Mezan published one symposium on the right to water and sanitation in December 2009</li> </ul> <p><i>Reports:</i> Al Mezan reports in this reporting period covered the wide spectrum of human rights issues with a focus on ESCR:</p> <p><i>ESCR reports:</i> 6 reports dedicated to ESCR issues covering healthcare access, the right to water, the water and sanitation problems in southern Gaza, targeting of medical facilities, targeting educational facilities and the right to education.</p> <p><i>Combined reports:</i> 2 reports presenting statistical data on impact of Operation Cast Lead with a focus on ESCR i.e. figures on commercial premises destroyed and jobs lost; and a report detailing the narratives of the conflict and protection of civilians.</p> <p><i>CPR reports:</i> 4 reports covering 1) report on unlawful treatment of prisoners, report on the use of Palestinian civilians as human shields, 3) two reports on violations of press freedom by IOF and Gaza authorities.</p>



	<p>One joint report on the impact of the conflict on children was published in cooperation with Defence Children International-Palestine.</p> <p>A fifth report on the killing of women on honour grounds was in its final stage of drafting in the end of the reporting period.</p> <p><u>Short investigative incident reports (issued as press releases)*</u></p> <p><i>ESCR reports:</i> 4 on right to health (impact of siege on infrastructure, death of infant due to Israeli access restrictions, labour conditions and the right to life)</p> <p><i>CPR reports:</i> 2 on death penalty sentencing; 2 on deaths in custody; 1 on freedom association; 2 on political arrests; 1 on freedom of movement; 2 on killing of women; 3 on violations against prisoners in Israeli facilities; 22 on IOF attacks impacting on civilians.</p> <p><u>Position Papers (Statements)</u></p> <p>Al Mezan developed 5 position papers; two of which on cases of violations that required legal intervention 23 stories with updates on the conditions of victims of the conflict a year after Operation Cast Lead were drafted and published starting December 27<sup>th</sup> 2009.</p> <p><b>Media usage:</b> News outlets regularly cited Al Mezan as a source of information for issues covered in the above reports including al Jazeera, Reuters, The Guardian (UK), Haaretz (Israel), the Herald (Australia), AP, Chellen 4 (UK). Al Mezan was also part of two documentaries by Al-Jazeera and RAI 3.</p> <p><b>NGOs:</b> Al Mezan met with and provided information to Human Rights Watch, Save the Children Alliance, Amnesty International, EMHRN, Diakonia, to mention some These NGOs report utilising Al Mezan documentation in their work.</p> <p><b>UN:</b> The following UN bodies relied on Al Mezan reporting and documentation in this reporting period: the UN Board of Inquiry, the UN Fact Finding Mission (headed by Justice Goldstone); UNICEF-led working group, which drafts bi-monthly Global Horizontal Notes as well as briefings and reports to the Secretary-General Special Representative on Children and Armed Conflict (Al Mezan is a primary information source); the Office for the Coordination of Humanitarian Affairs in the oPt; the OHCHR, Al Mezan director also participated in the Human Rights Council Tenth Regular Session (March 2009) and met with Mr. Richard Falk, Special Rapporteur on the human rights situation in the oPt, and two roundtable meetings focusing on accountability.</p> <p><b>Int'l community:</b></p> <p>Several diplomatic missions and investigation missions requested information from Al Mezan for their interventions.</p>
<p>- Reports coverage of HR, particularly ESCR, situations/issues</p>	<p>A significant increase in the reports that tackle the human rights situation in oPt by the UN, international human rights organizations and the media.</p>



<ul style="list-style-type: none"> <li>- Responses from civil society, the media and int'l community</li> </ul>	<p>Al Mezan provided information in real time for civil society groups that demonstrated in various countries against the human rights violations during Operation Cast Lead.</p> <p>There was a significant increase in the calls for ensuring respect of human rights in oPt; and especially in Gaza, by NGOs and UN agencies.</p> <p>There were developments regarding the international community's position vis-a-vis the human rights violations in the oPt. For example, the EU passed a de facto suspension of the upgrade of its relations with Israel and called for ending the siege on Gaza, suspension of settlements and progress in the peace process towards realization of the right to self-determination. In the UK, the FCO issued recommendations against investment in settlements built on occupied territory in the West bank, and made consultations on the effectiveness of labelling settlements products. Israel's accession to OECD seems to be conditioned with clearer positions from it vis-a-vis the status of settlements in the West Bank and its human rights record. Also, when the UNSC failed to take prompt action, the UNGA took steps towards intervening in the situation in Gaza. The UN Human Rights Council held sessions to deal with the human rights situation in oPt and decided to dispatch a Fact-Finding Mission, which was preceded with a Board of Inquiry that was dispatched by the Secretary General. In October 2009, the HRC adopted the Goldstone Report and referred it to the UNGA, which, in November 2009, adopted a resolution adopting some of the report's main recommendations; especially calling for investigations and ending impunity.<sup>110</sup></p>
<ul style="list-style-type: none"> <li>- Demand on reports, publications</li> </ul>	<p>There was an increase in the demand on Al Mezan's information and publications locally and internationally. Therefore, several new reports and publications were printed, but also several old publications were re-printed.</p>
<ul style="list-style-type: none"> <li>- Use of reports and studies by the media, NGOs, UN and researchers</li> </ul>	<p>As pointed above, there was a significant increase of the use of the Centre's information and reports by the media, UN agencies and NGOs.</p>

✓ *Encourage, and provide opportunity for, citizen participation in HR related decision-making*

Indicators	Actual achievement
<ul style="list-style-type: none"> <li>- Number of opportunities for participation</li> </ul>	<ul style="list-style-type: none"> <li>- The TMCU availed 17 opportunities for ordinary people to express their opinions regarding human rights issues through open meetings, conferences and workshops.</li> </ul>
<ul style="list-style-type: none"> <li>- Variety of HR issues in which people participate</li> </ul>	<ul style="list-style-type: none"> <li>- Al Mezan intervened in various issues; including ESCR issues, such as access to health and education, problems related to water and sanitation and restrictions on movement and freedom of expression.</li> </ul>

<sup>110</sup> It is not the purpose of this account to claim that these developments are owed to Al Mezan's work only. However, the work done by the Centre and its information and advocacy and media action, as well as its meetings and interventions with the relevant bodies, suggest that it had a contribution.



<ul style="list-style-type: none"> <li>- Number of people encouraged, invited to participate, number of those who actually participate</li> </ul>	<ul style="list-style-type: none"> <li>- App. 5,765 people participated in the Centre's activities that are aimed at raising awareness and advocacy at the local level.</li> <li>- 3,445 people participated in the TMCU; 1,175 were women and 950 children</li> <li>- App. 2,000 people participated in the IHL education activities under a project</li> <li>- Some 200 people participated in activities by the Research and Technical Assistance Unit targeting university students and free expression at universities</li> <li>- Over 200 people participated in field meetings organized by field workers</li> <li>- 22 lawyers participated in a workshop by the Legal Assistance Unit</li> <li>- The Centre's staff members addresses over 1,000 people on human rights issues in events organized by other NGOs</li> <li>- The Centre's staff members addresses thousands of people in Gaza through radio and TV stations. A special leaflet was widely distributed to encourage people to request assistance when certain violations occur. Thousands of people turned to the Centre as a result for help.</li> <li>- One training course targeted a group of ordinary people who face the risk of violation and displacement. It focused on fostering their capacity to document and report violations, and seek assistance to ensure prevention and redress.</li> <li>- Five lawyer training courses were carried out, and two courses on monitoring and documentation were organized to strengthen community's capacity to challenge human rights and IHL violations.</li> <li>- One training for female journalists was organized to strengthen journalists' capacity to deal with human rights related issue.</li> </ul>
<ul style="list-style-type: none"> <li>- Quality of the results of participation (e.g. number of issues resolved, policies amended or changed)</li> </ul>	<ul style="list-style-type: none"> <li>- Six ESCR-related problems were resolved through advocacy at the local level; including cases related to the right to adequate housing, to water/sanitation and associations rights.</li> <li>- Interventions into cases of political detention, medical negligence, torture/CID<sup>111</sup> cases, confiscation of private property and fishing boats bore positive results.</li> <li>- Al Mezan and other Palestinian human rights organizations challenged policies and decisions made by the two Palestinian governments and are still following some of them. Policies that aimed to repress civil society were revoked by the Gaza government. Decisions that prevented access to medical care outside Gaza were revoked by both governments following interventions by human rights organizations in Gaza and WHO. Policies infirming on personal freedoms were also challenged; including attempts to impose certain way o wear on female lawyers and secondary school girls.</li> <li>- Al Mezan and Adalah were able to ensure that the use of civilians as human shields is investigated by</li> </ul>

<sup>111</sup> i.e. Cruel, Inhumane and Degrading treatment.



	<p>the Israeli authorities.</p> <ul style="list-style-type: none"> <li>- Al Mezan, Al-Haq and Adalah were able to ensure that cases on IHL violations by IOF are investigated.</li> <li>- Al Mezan and Al-Haq were able to file cases with external courts against IHL and HR violations in Gaza; especially under the lack of effective, reliable investigations into these cases by Israel.</li> <li>- Several cases of torture/CID and medical negligence were challenged by Al Mezan during 2009. Intervention resulted with prompting investigations into these cases.</li> </ul>
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✓ *Effective provision of legal aid, advice and representation for victims*

Indicators	Actual achievement
- Level of demand on legal aid	<ul style="list-style-type: none"> <li>- A significant increase in the demand on legal assistance and advice.</li> <li>- The legal assistance unit handled 1863 cases and complaints; including 1,226 cases of arbitrary detention in Gaza, 57 cases of detention in Israel, 9 cases of detention of alleged 'unlawful combatants', 234 complaints against Israel and Palestinian authorities, and 412 complaints against unlawful destruction of private property by IOF.</li> </ul>
- Number of cases handled by lawyers in and out of courts	<ul style="list-style-type: none"> <li>- 180 cases were followed before courts (none in Gaza).</li> <li>- The rest of cases were followed outside courts.</li> </ul>
- Number of cases of legal advice in office or by telephone	<ul style="list-style-type: none"> <li>- 646 cases of advice in the offices.</li> <li>- Hundreds of other cases of legal advice by telephone or via the website.</li> </ul>
- Number of cases tackled jointly with HR organizations in OPT and Israel	<ul style="list-style-type: none"> <li>- 36 cases were followed in cooperation between Al-Mezan, Al-Haq and Adalah; including cases of grave breaches of IHL (attacks of civilians and use of human shields).</li> <li>- 54 cases were followed jointly with PHR-I</li> <li>- 1 case was followed jointly with Al Haq and PCHR-Gaza</li> <li>- 1 case was followed jointly with ISM and PCHR-Gaza</li> <li>- 1 case has been followed jointly via reporting and advocacy with two EU-based organizations</li> <li>- Two High Court petitions were filed jointly with four human rights groups in Israel</li> </ul>
- Number of successful legal interventions	<p>Many of those who were taken prisoners by IOF were convicted as '<a href="#">unlawful combatants</a>', and the Centre worked on their cases in Israeli courts and took measure to challenge this conviction and the law it was based on.</p> <p>As a result of the Israeli siege, more people were denied access to healthcare in Israel and the West Bank. Al Mezan and PHR-I have scored greater success in these cases during 2009, with intervention enabling 36 people to leave Gaza and access healthcare. PHR-I, Adalah and Al Mezan have started to increase their legal intervention and advocacy efforts to eradicate the policies that cause harm to patients and other groups in</p>



	<p>Gaza. Follow-up of cases of people who were denied access to education outside Gaza has increased with more NGOs intensifying their work on the issue; especially Gisha and GCMHP. In December 2009, Egypt allowed dozens of students to leave Gaza.</p> <p>As a result of the political split between Gaza and Ramallah governments, more people were denied access to healthcare in Israel and the West Bank. Al Mezan intervened in the situation through documentation and follow up with the authorities. Lawyers coordinated with PHR-I to facilitate their access.</p> <p>The Centre followed other complaints, including:</p> <ul style="list-style-type: none"> <li>- Cases of burglary during IOF search/occupation of civilians homes during Operation Cast Lead. In one case, the Israeli military police opened an investigation.</li> <li>- Cases of torture, in which the Israeli military police also opened investigations.</li> <li>- Cases of violations against fishermen.</li> <li>- Cases of denial of social security benefits.</li> <li>- Cases of denial of family visits.</li> <li>- Cases of blackmailing and/or detention of patients at Erez Crossing.</li> <li>- Cases of medical negligence of prisoners in Israel</li> </ul> <p>At the internal level, the Legal Assistance Unit focused on political and arbitrary detention. The staff visited over 2,000 men who were detained by the security apparatus in Gaza. Following a period of denying lawyer visits, Al Mezan's lawyers were able to visit detainees and follow their cases. In several cases the Centre provided medicines to prisoners who needed it.</p> <p>11 victims of arbitrary detention were released as a result of the Centre's follow-up. Another victim, a journalist, was also released.</p> <p>The Center was able to ensure re-opening of 7 CBO's that were arbitrarily closed by the security in Gaza.</p> <p>The Centre challenged the breach of mail privacy by Gaza authorities and succeeded in ensuring it in one case that was followed out-of-court by lawyers.</p> <p>The Centre's legal follow up promoted investigations into 8 cases of medical negligence and in 2 cases of death of persons under detention; one of whom was a victim of torture.</p> <p>The legal staff conducted meetings with security officials, the attorney general and the director of the rehabilitation centres (prisons) in Gaza and raised concerns regarding arbitrary detention, allegations and evidences of torture, the conditions in rehabilitation centres. These meetings aimed to monitor the situation and raise complaints of illegal conducts by the police and security forces.</p>
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✓ Pursue HR friendly legislations



Indicators	Actual achievement
- Number of laws, government decisions monitored	- Intervention in 4 cases in Gaza, 1 in Gaza and Ramallah and 5 in Israel.
- Number of amendments, changes	- Policies were revoked in 3 cases in Gaza, 1 case in Gaza and Ramallah, 1 in Israel and follow-up continues with excellent prospects of success in 3 cases in Israel.
- Responses by the government and civil society	- As mentioned above, responses increased locally and internationally.

✓ *Enhance awareness in HR, IHL and democracy with a view to ensure more respect for HR*

Indicators	Actual achievement
- Number of people attend awareness/training events	- Significant increase in number of people attending these activities (See above: Encourage, and provide opportunity for, citizen participation in HR related decision-making)
- Number of cases who take action based on new awareness (at courts, universities, schools...etc.)	- Assessment focus-groups indicate that groups of ordinary people, teachers, lawyers, health personnel, and CBO activists made good use of the knowledge and skills they gained during awareness/training activities. - See above (Strengthen liaising, networking and HR advocacy domestically and internationally)
- Level of demand on awareness/training services	- Increase in the number of requests for training: 92 requests for training were received. Over 80 of people/organizations requested lawyer training on human rights. - The Bar Association in Gaza incorporated Al Mezan's IHL lawyers trainings into its formal lawyer training, based on which lawyers would be evaluated. - Demand particularly high on lawyer training, trainings for teachers and school parliaments, Pass-the-Word students program and school parliament training.
- Level of sustainable community capacity building (training of individuals and groups who can contribute to HR respect)	- Feedback showed that lawyer training is useful as more lawyers can act on human rights. - Feedback showed that tens of trained field workers were able to contribute to monitoring and documentation of violations through work with CBOs. - Feedback showed the students who participate in Pass-the-Word program acquire skills that enable them to contribute to awareness through work with CBOs. - Awareness activities resulted in enabling ordinary people to take actions after being familiar with mechanisms and remedies provided by Palestinian and human rights law (e.g. fishermen in Rafah, people whose homes were destroyed, families of political prisoners...etc.)

✓ *Maintain provision of HR related technical assistance and advice for local and int'l players*



Indicators	Actual achievement
- Number of technical assistance cases	- 56 cases of technical assistance provided.
- Demand on technical assistance	- Demand remained within average levels compared with previous years.
- Number of correspondences and/or meetings with service providers/duty-bearers.	- 56 correspondences/letters and 13 meetings with duty bearers.



### 3.3. **Highlights and anecdotes:**

- Follow up of [Face-the-Public meeting](#) succeeded in revoking a decision by the Ministry of Local Government to rehabilitate the south Gaza City sewage treatment plant. The planned rehabilitation posed risks on the local population. Instead, the Centre succeeded in ensuring the local community's participation in planning for rehabilitation through forming a committee in which they participate and take part in making future decisions.
- A second [Face-the Public meeting](#) succeeded in ensuring the involvement of local community in southern An-Nuseirat refugee camp in Middle Gaza District in devising solutions to health problems caused by the sewage network in their area. The problem is being resolved through installing a new network. In the second half of 2009, the problem was solved in a way that ensures protection of the residents' rights.
- Al Mezan's documentation of IHL and human rights violations during Operation Cast Lead prompted a faster response to the displacement of civilians and to paying more attention to their problems by the UN, humanitarian organizations and [international media](#).
- Al Mezan's investigations of IOF attacks during Operation Cast Lead revealed serious violations of IHL and directed media attention. Such investigations are particularly significant for the victims, but also represent an attempt to prevent similar violations. For instance, a 29 December 2009 attack was investigated by [Al Mezan and B'Tselem field workers](#). The Israeli army reports alleged that the attack targeted rocket launchers; however, the investigations indicated that the targets were civilians, leading to an acknowledgement of the mistake and removing footage from the internet by the Israeli army.
- Al Mezan's investigations into the [use of civilians as human shields](#) in Gaza led to legal intervention by the Centre and Adalah. As a result, the [Israeli military police has started an investigation](#) into some of the documented cases. This is especially important as Israel had frequently announced that the Israeli army acted within the boundaries of international law during Operation Cast Lead and that its investigations concluded that no grave breaches of IHL were committed.
- Filing complaints against killing of civilians and destruction of civilian objects led to investigations by the Israeli military.
- Joint follow-up of tens of cases of medical access ensured successful access of patients to life-saving healthcare outside Gaza under the conditions of siege.
- Calls and advocacy for accountability prompted successful tabling of resolutions with the HR and the UNGA. Palestinian authorities seem open to initiate investigations in early 2010.
- Joint interventions, with Adalah and PHR-I, with the Committee Against Torture and the Human Rights Committee provided substantive information for the two committees while considering Israel's reports on the CAT and ICCPR (respectively).



The documentation and analysis was present in [CAT's list of issues and concluding observations](#), and [the HRC's list of issues; awaiting concluding observation in 2010](#).

- Al Mezan was invited by UNRWA to take part in the preparation of a human rights curriculum, promote it among teachers and parents, and monitor and appraise its implementation at schools.
- One of two joint petitions with the Israeli High Court on behalf of Gazan victims was successful; and seems to be leading to ameliorate the conditions of tens of thousands of residents who are eligible to [social security benefits out of work in Israel in the past](#).
- In its pursuit of protection and accountability, Al Mezan was part of two cases before domestic courts abroad. While the two cases did not end with arrests of suspects, they sparked wide-scaled coverage and discussions in oPt, Israel and internationally, which seem to have a significant impact on the progress towards ensuring protection and accountability for human rights and IHL violations.
- Al Mezan was asked by the Palestinian Authority to sit on a committee to follow-up the accountability efforts in oPt and accepted. It was asked to sit on investigation committees by Gaza authorities, but declined.
- Also in pursuit of accountability, Al Mezan lead joint interventions by a large number of local, Israeli and international NGOs to advocate for adequate investigations and respect of international law by Israel. During the drafting of this report, Al Mezan led an intervention aimed at ensuring that the Palestinian authorities commit to the same standards (see [letter to Mr. Mahmoud Abbas](#) and [letter to Mr. Ismail Heniyeh](#))
- Al Mezan's reliable monitoring and documentation work facilitated the work of investigation missions into IHL and human rights violations in Gaza. The Centre assisted UN and other international investigation missions by providing information and guidance as to the places and victims of such violations so that these missions can access victims and survivors and illicit information about the violations.
- In July 2009, ['Breaking the Silence' issued a report with accounts provided by Israeli soldiers](#) revealed that the Israeli army used human shields, used white phosphorus shells in populated areas, and killed unarmed civilians without necessity or warning during Operation Cast Lead. It is interesting to notice that the accounts provided by the soldiers are similar to those provided by Al Mezan following its investigations, contrary to the Israeli government allegations that the Centre and other human rights organizations provide distorted accounts of such violations.<sup>112</sup>
- Al Mezan's investigations and legal follow-up prompted investigations into one case of death in prison and four cases of torture in Gaza. The Center's joint work with other human rights NGOs in Gaza also promoted the revoking of decisions that rendered access to healthcare impossible.

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<sup>112</sup> Notice in particular the similarity in the account of a soldier who served in the unit that used Majdi Abed Rabbo as a human shield and forced him to carry messages to fighters and take pictures and footage of them after the empty house they were sheltering in was bombed from the air. See [http://www.mezan.org/en/details.php?id=8632&ddname=crimes&id\\_dept=22&id2=9&p=center](http://www.mezan.org/en/details.php?id=8632&ddname=crimes&id_dept=22&id2=9&p=center), pp 12-14.



- Following a workshop on human rights and IHL for fishermen, seven of the fishermen approached Al Mezan after they were exposed to violations and received legal assistance.
- Challenging policies that are harmful human rights in Gaza was successful in four cases in 2009; including policies that affect women, freedom of association and arbitrary detention and torture.
- Promoting the right to education through raising problems that impact it in Palestinian universities. Groups of students, academics and university administrative staff took part in a series of activities to discuss this problem and devise solutions that could ensure respect of human rights and tolerance at universities. As a result, a pact of honour was drafted and students' blocs committed to respect free expression and assembly in all of Gaza's major universities.
- Al Mezan's documentation and follow-up led to investigations into serious human rights violations in Gaza.
- Support to MA students theses through the library. They described it as the only place in Gaza where they could find relevant resources. Several other students made use of IHL trainings and sources and started graduation projects on IHL.
- A child who visits the library regularly won the human rights contest, run in UNRWA schools, in the Gaza Strip.



### 3.4. Summary of activities distributed per unit

<b>Administration Unit</b>		
<b>Planned activities</b>	<b>Implemented</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>- Regular meetings for all staff, PFUC and Board</li> <li>- Monitoring of progress &amp; rules</li> <li>- Planning</li> <li>- Producing regular periodic narrative &amp; financial reports</li> <li>- Conducting assessments and evaluations, internal and external</li> </ul>	<p>14 meetings held for the PFUC for planning/follow up of activities, 7 for the Board of Directors, and 8 meetings for the staff, in addition to weekly and ad hoc meetings within units.</p> <p>Narrative and financial reports (2006-2008) produced and sent to core donors and relevant bodies.</p> <p>Semi-annual Narrative and Financial reports produced and sent to donors.</p> <p>Eight project narrative and financial reports produced.</p> <p>Audited reports for core program and two projects successfully produced.</p> <p>One comprehensive assessment/review of Admin/Financial statutes finalized.</p>	<p>Regular meetings and follow-up were interrupted during the offensive on Gaza in January. Only the essential staff worked from the office.</p> <p>Narrative and audited reports were delayed for the period of one month following consultations with donors.</p>
<ul style="list-style-type: none"> <li>- Recruitment of staff &amp; services</li> <li>- Monitoring of activities and finances</li> <li>- Development of plans</li> <li>- Development &amp; implementation of HR projects</li> </ul>	<p>-Recruit/hiring of staff:</p> <ul style="list-style-type: none"> <li>▪ One coordinator for Al Mezan's Training and Mass communication Unit was recruited.</li> <li>▪ Full-time translator and accountant were recruited in August.</li> <li>▪ One Financial Officer was promoted.</li> <li>▪ Two international consultants were recruited to help with reporting and research.</li> </ul>	<p>Most of the recruitment was for temporary, short term jobs; including the vast majority of field workers and interns. May other recruitments for project-based jobs were also successful.</p> <p>Al Mezan continues to encourage its staff members to pursue higher education abroad. Where the degrees</p>



	<ul style="list-style-type: none"> <li>▪ The services of a database and IT consultant was recruited.</li> <li>▪ Three volunteer lawyers were recruited to provide legal advice and assistance in Rafah and Jabalia offices.</li> <li>▪ 5 staff members (project coordinator, lawyer, field worker, executive secretary, and data entry) for the EU-funded project "Combating and Preventing Torture and Ill-Treatment of Palestinian Prisoners and Civilians were recruited.</li> <li>▪ Two Trocaire-funded project staff members were recruited.</li> <li>▪ One OSI- funded project lawyer was recruited.</li> </ul> <p>- 31 temporary fieldworkers recruited to work within Al-Mezan's projects on emergency monitoring and documentation of human rights violations in the Gaza Strip, which were launched after the Israeli military Operation codenamed" Operation Cast lead"</p> <p>- Two reception interns were recruited.</p> <p>- Procedures for recruitment of a Coordinator of the Legal Assistance Unit were made; however, no eligible candidates passed the procedure. This post remains empty.</p> <p>Moreover, several core and project staff members left the Centre during the reporting period:</p> <p>-The coordinator of the Technical Assistance and Advocacy Unit left to pursue a PhD abroad;</p> <p>- The same Unit's senior researcher left temporarily to finish a PhD degree and returned to the Centre in November 2009.</p> <p>-The same Unit's junior researcher left the Centre in November 2009 to pursue an MA degree in Egypt;</p> <p>- The Centre's Administrative Assistance won a scholarship for an MA in human rights at Essex University and left the Centre in late September 2009.</p> <p>- The Combating Torture Project Coordinator had to leave the Centre due to restrictions</p>	<p>they pursue are relevant to human rights, the Centre allows them to take no-pay leave for up to two years; after which they would be entitled to retain to their original posts.</p>
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	on movement imposed by IOF.	
<ul style="list-style-type: none"> <li>- Conduct an assessment of staff needs</li> <li>- Conduct three capacity-building training courses for staff members.</li> </ul>	<p>Informal consultations to assess needs were conducted during PFUC and all-staff meetings.</p> <p>Capacity building workshop on IHL was organized. 10 of Al-Mezan's staff, including 4 lawyers, 4 fieldworkers, one researcher, and one trainer participated in this workshop.</p> <p>Al Mezan encouraged and supported staff members who voiced interest in strengthening their English language and started courses at local universities.</p> <p>Two staff members received training in project proposal writing for the EU/EC. Two fieldworkers participated in a training course organized by the UNICF on the UN Security council resolution 1612 on children affected by armed conflict.</p>	<p>Unfortunately, several other important capacity-building opportunities were missed due to Israeli restrictions on movement. Two staff members were admitted to advanced courses in IHL in Jordan and Belgium; however, they could not leave Gaza. A staff member was admitted to a training course on human rights mechanisms in Geneva (organized by Friedrich Epert), but was not able to travel.</p>
<ul style="list-style-type: none"> <li>- Invite local and int'l officials, diplomats and NGOs for meetings</li> <li>- Host meetings with them</li> <li>- Attend to networks membership and activity requirement</li> <li>- Presentations on HR conditions locally and internationally</li> <li>- Contribute to HR joint statements and reports</li> </ul>	<p>Al Mezan's director participated in preparatory meetings for the Durban Review Conference against Racism and Racial Discrimination that were held in Cairo 28 – 29 March. He attended the UN HRC special session and gave a lecture in the UN premises. 101 meetings with local and international figures and diplomats took place inside and outside Al-Mezan. These events included meetings with the UN Secretary General, Ban Ki Moon, Robert Serri, the Special UN Coordinator for the Middle East Peace Process, Mrs. Karen Abu Zaid, the UNRWA Commissioner-General, Mr. John Ging, Director of UNRWA Operations, and Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Professor Richard Falk, Representative of EU Commission Technical Assistance office, and the International Quartet Envoy, Tony Blair. Al Mezan received in its office Ms. Mia Farrow, the UNICEF Goodwill Ambassador. The Centre also met with most diplomatic missions to the PA, and many missions to Israel. The Centre also met with members of Parliaments of several European countries, and European Parliament delegations.</p> <p>Al Mezan's director gave a presentation at the UN premises in Geneva attended by around 100 people including members of diplomatic missions to the UN, other diplomats and civil society representatives on the Israeli offensive against Gaza and human rights situation in the OPT. He also delivered a lecture in Paris on the state of human rights in the Gaza Strip and the then recent developments in</p>	<p>The reporting period saw a sharp increase in visits by UN officials, diplomats, INGO representatives and journalists.</p>



	<p>Gaza. 8 presentations were also given to delegations and fact finding missions on the situation in Gaza.</p> <p>Over 300 media interviews and participations with local, Arab, and international local media agencies, satellite TVs and radio stations. Over 40 participations in local and international events.</p> <p>Al Mezan took part in over 50 meetings with UN agencies in the context of its active membership in the 1612 and Protection Cluster Working Groups.</p>	
<ul style="list-style-type: none"> <li>- Produce a bi-monthly newsletter; invite activists and specialists to write for it.</li> </ul>	<p>The Centre decided not to carry out this activity under the developments in Gaza</p>	
<ul style="list-style-type: none"> <li>- Networking and joint intervention.</li> <li>- Contribute to joint HR legal advocacy</li> </ul>	<p>Al Mezan worked with NDC partners on establishing a sub-group that aims to act against the siege policy, which brings together Palestinian partners from Gaza and the West Bank as well as Israeli NGOs.</p> <p>Al Mezan strengthened its partnership and joint actions with Al-Haq, Adalah, DCI-ps, EMHRN, CPHRE, OMCT, Trocaire, Medico International, OSI and Diakonia, started a partnership with Adalah and PHR-I, contributed to the initiation of the Palestinian Human Rights NGOs Council, consulted on advocacy with OSI and other partners. The Centre also coordinated with LPHR<sup>113</sup> on strengthening its capacity to conduct documentation for legal action. The work with the 1612 Working Group and PSWG was also strengthened during the reporting period.</p> <p>Al Mezan, Al-Haq and Adalah continue to work on investigating and documenting cases of grave violations of IHL and to send communications to the Israeli authorities to investigate, or for use of courts and UN HR mechanisms; including ad hoc investigation and fact-finding missions.</p> <p>Al Mezan and Adalah worked jointly on the cases with regard to human shields<sup>114</sup>, prisoners family visits and the withholding of disability and retirement benefits owed to Gazans.</p> <p>As mentioned above, Al Mezan, Al-Haq, Adalah and PHR-I submitted alternative</p>	<p>In 2009, restrictions on travel prevented Al Mezan's staff from taking part in various networking and advocacy activities in Europe and with the UN. The Centre's staff were not able to travel for such activities six times during this period.</p>

<sup>113</sup> Abbreviation for the UK-based Lawyers for Palestinian Human Rights.

<sup>114</sup> Since July 2009, the Israeli military police decided to investigate six cases of using human shields and one case of wilful killing of civilians and destruction of civilian property without apparent military necessity. Adalah and Al Mezan coordinated the access of the victims to Erez Crossing where they met with investigators to give their testimonies. Four other cases were filed. By the end of the reporting period, to the best knowledge of Al Mezan, none of the investigations was concluded, and no perpetrators were prosecuted.



	<p>reports to CAT and followed its list of issues regarding Israel's compliance with the treaty.</p> <p>Starting in August 2009, Al Mezan engaged actively in establishing a large coalition of Palestinian, Israeli and international human rights NGOs, who worked intensely together on advocacy efforts with the UN HRC, the GA and the EU. This coalition is still alive and tens of organizations have been speaking together against human rights violations and advocating for accountability.</p>	
<ul style="list-style-type: none"> <li>- Invite activists and specialists to workshops</li> <li>- Contribute to joint reporting to UN mechanisms</li> <li>- Contribute to shadow reports for UN treaty bodies and special procedures.</li> </ul>	<p>Experts and specialists were invited to give lectures and presentations on legal intervention, investigation of human rights and IHL violations, preparing case files that can stand trial abroad.</p> <p>51 joint statements, releases and letters were made with Palestinian NGOs, Israeli NGOs and international NGOs</p> <p>Joint letters were sent to UN Secretary-General, Palestinian political parties and factions involved in the Cairo talks, President Miguel d'Escoto Brockmann Permanent Mission of Nicaragua to the United Nations (in his capacity as the President of the UNGA), and Mr's Ali Tereki, also in the same capacity; foreign ministers of non-EU OECD Member States, the UN Human Rights Council, the Palestinian authorities in Gaza and the West bank, President of the UN Security Council and the High Contracting Parties to the Fourth Geneva Convention.</p> <p>A joint report on children was produced jointly with DCI-ps.</p> <p>Four reports were produced by members of the Admin Unit and interns:</p> <ul style="list-style-type: none"> <li>- The Continued Use of Palestinian Civilians as Human Shields by the Israeli Occupation Forces.</li> <li>- Unlawful Combatants.</li> <li>- English translated version of the Use of Palestinian Civilians as Human Shields by the Israeli Occupation Forces.</li> <li>- Report on the Lack of Access to Healthcare outside Gaza.</li> </ul> <p><a href="#">23 stories providing updates</a> on families who fell victims of attacks and violations of IHL during Cast Lead war.</p>	<p>-</p>



	<p>The Admin Unit's staff drafted a report on the honour-related crimes against women; expected to be released in March 2010 (the Women's Day). They also coordinated three interventions with OMCT, relating to <a href="#">honour-related crimes</a>, <a href="#">killing and arrest of children</a>, and <a href="#">assaults on human rights defenders</a>.</p> <p>The Admin Unit was also engaged in the coordination for joint petitions for the Israeli High Court, drafting of submissions to the UN Fact Finding Mission by Al Mezan, the Protection Cluster Working Group and the 1612 Working Group. It also led the coordination of joint submissions to two UN treaty bodies in 2009.</p>	
<ul style="list-style-type: none"> <li>- Purchase HR related books and sources</li> <li>- Assign and furnish a corner in the main office for library shelves</li> <li>- Contact academic institutions and civil society groups to encourage study of and research in HR</li> <li>- Receive students groups and encourage them to use the library</li> </ul>	<ul style="list-style-type: none"> <li>- 285 new books purchased and hundreds of local publications donated.</li> <li>- A corner assigned for children books in the library.</li> <li>- APP. 1,858 persons (university and school students, lawyers and academics benefited from the library's services.</li> <li>- 41 individual obtained the library's membership (membership stands at 151).</li> <li>- 580 school and parliament students visited the library.</li> </ul>	<p>The problem of availability of relevant book in Gaza has continued during the reporting period. Also, the problem of inability of staff members to travel from Gaza to purchase books continued.</p> <p>The Centre sought the help of the libraries and the British Council to find and purchase books for the library during the second half of 2009.</p>

<b>Fieldwork Unit</b>		
<b>Planned activities</b>	<b>Planned activities</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>- Monitoring and documentation of violations</li> <li>- Filed visits to locations of violations</li> <li>- Visits to hospitals, schools and victims homes</li> <li>- Develop new questionnaire forms to meet the development on the ground (as necessary).</li> <li>- Conduct field meetings with groups of victims</li> </ul>	<ul style="list-style-type: none"> <li>- 22,128 cases documented &amp; inputted into databases;</li> <li>- 20,502 field visits to areas of violations, institutions, homes, NGOs/CBOs...etc.</li> <li>- Two new questionnaires developed to document cases of torture and denial of medical access.</li> <li>- 21 meetings with human rights victims in the field (neighbourhoods) and</li> </ul>	<p>A sharp increase in human rights and IHL violations, necessitating increase in documentation activities.</p> <p>The core program was incapable to provide for an adequate response to the developments; therefore, the Centre recruited project-based funds and increased its field work team by over six times temporarily.</p>



<ul style="list-style-type: none"> <li>- Maintain relations with ordinary people, relevant officials and grassroots activists</li> </ul>	<p>the Centre's offices in Jabalia and Rafah. Field workers led the meetings to raise victims' awareness in their rights and possible opportunities for redress, and to collate information from them about violations.</p> <ul style="list-style-type: none"> <li>- 674 visits to governmental, local government and non-governmental organizations.</li> </ul>	
<ul style="list-style-type: none"> <li>- Update of Al-Mezan's website</li> <li>- Maintain and update databases (including in English)</li> <li>- Collect affidavits and evidences</li> <li>- Collect complete data on violations using questionnaire forms</li> <li>- Produce short films on HR violations/situations in Gaza</li> <li>- Draft violation-focused field reports</li> <li>- Refer victims to LAU or TMCU or external bodies</li> <li>- Provision of HR data and information quickly to local and int'l bodies upon request</li> </ul>	<ul style="list-style-type: none"> <li>- Timely updating of the website (44,332 people visited the website during the reporting period; a slight decrease compared with 2008).</li> <li>- Databases updated and inputted regularly; content reviewed and verified monthly. 22,128 questionnaires and news entered to database system.</li> <li>- 274 affidavits collected by field workers and 212 by lawyers.</li> <li>- 20,016 questionnaires collected;</li> <li>- Around 1200 photos and 45 video films of human rights violations produced.</li> <li>- Response to at least 3,500 of requests for information and statistics about human right violations to local and international organization. Under the emergency conditions, many requests were not duly documented. Al Mezan provided information for external bodies over 8,000 times during the reporting period. In many of these cases, Al Mezan sent weekly updates to tens of organizations and UN agencies.</li> <li>- 517 cases were referred (388 to the legal assistance unit for follow-up). Seven cases to the training and mass communication unit, twelve for Al Mezan and Adalah for joint legal intervention. Another 60 cases were documented and referred to PHR-I; all of which involve access to health.</li> </ul>	<p>The reporting period saw a sharp increase in the collected testimonies/affidavits and other materials and evidences. This is owed to the scale of violations and to the fact that the Centre increased its work on reporting and investigations of IHL and IHRL violations for the purpose of advocacy and litigation.</p>
<ul style="list-style-type: none"> <li>- Annual report on IOF violations</li> </ul>	<p><b>The Field Work Unit produced 4 reports, as follows:</b></p>	<p>Several other reports were issued by other</p>



<ul style="list-style-type: none"> <li>- Annual report on internal violations</li> <li>- Issue 100-150 press releases</li> <li>- 4-6 brief situation reports as required</li> <li>- Contribute to shadow reports for UN treaty bodies and special procedures</li> <li>- Contribute to joint reports by INGOs and networks.</li> </ul>	<ul style="list-style-type: none"> <li>- Statistical Report on Persons Killed and Property Destroyed by Israeli Occupation Forces during Operation Cast Lead</li> <li>- One report on the violations of freedom of expression during Cast lead Operation.</li> <li>- One report on the sanitation and environment problems in Khan Younis district, south of the Gaza Strip.</li> <li>- One report with daily narratives of the attacks on Gaza during Operation Cast Lead.</li> <li>- Contribution with information to nine reports produced by Al Mezan, and one joint project on children produced by Al Mezan and DCI-ps. Also, the Unit contributed to drafting 23 stories presenting the life of families of victims who were killed or abused during Operation Cast Lead.</li> <li>- Contribution to joint submissions to CAT and Human Rights Committee, and one report by EMHRN.</li> <li>- 14 situation reports produced by the field workers on: the death of a child from Al-Bureij Refugee Camp during the IOF shelling of Al-Jedeili family, district-based reports on Israeli violations of IHL and human rights during Operation Cast Lead, problems of sanitation system in An-Nusairat Camp, cases of fraud that affected thousands of people in the Gaza Strip; destruction of homes in Gaza.</li> <li>- 110 press releases issued.</li> <li>- Contribution to four Global Horizontal Notes and two joint reports by Inter-Agency 1612 Working Group.</li> <li>- Al Mezan's information was used app. hundreds of times in reports by INGOs, UN agencies and the media.</li> </ul>	<p>units to support the work of the field work unit.</p>
<ul style="list-style-type: none"> <li>- Meetings with civil society groups</li> <li>- Participation in events aimed at enhancing HR activism</li> <li>- Interviews with the media</li> <li>- Meetings with duty-holders</li> </ul>	<ul style="list-style-type: none"> <li>- 77 participations in governmental and non-governmental events.</li> <li>- 18 meetings with civil society groups and duty-holders.</li> <li>- 162 interviews with media by the field work unit.</li> <li>- In addition, the Field Work Unit organized 57 field visits to visiting delegations around the Gaza Strip, with the purpose of informing them</li> </ul>	



	about the human rights situation.	
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<b>Legal Assistance Unit</b>		
<b>Planned activities</b>	<b>Planned activities</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>- Respond to requests of legal advice (av. 600 cases)</li> <li>- Represent victims of violations at courts (45 cases before Israeli courts; 25 before Palestinian courts in OPT)</li>   <li>- Receive and follow up av. 130 complaints with Palestinian and Israeli authorities (50 and 80 respectively)</li> </ul>	<ul style="list-style-type: none"> <li>- Providing 646 legal cases of advice to individuals and groups.</li> <li>- 57 cases of Palestinian prisoners in Israeli jails.</li> <li>- Follow up on 121 prisoners' cases in Israeli Jails from previous years.</li> <li>- 2 cases with the Israeli High Court.</li> <li>- No cases filed before Palestinian or Israeli courts.<sup>115</sup></li> <li>- 234 complaints received and handled during 2009, as follows:                             <ol style="list-style-type: none"> <li>1. 102 complainants against Israeli authorities,</li> <li>2. 132 complaints against Palestinian authorities.</li> </ol> </li> </ul> <p>These complaints included detention by security apparatuses in Gaza, confiscating property and closure of charity organizations, and cases on violations inside detention centres and other violations to the law (see the outcomes section above for more details about these interventions)</p>	<p>There is an increase in the cases of detention by the IOF (planned 45 vs. Actual 57) and the complaints against authorities in Gaza.</p> <p>Prisoners cases involve representation of prisoners for political/security reasons before courts, visits to prisons, investigating use of torture or not, and contacting prisoners' families by lawyers.</p> <p>The two cases before Israeli High Court involved: joint petition against Gol's ban on family visits; which the Court declined, and a joint petition against the Gol's halt of paying social security to some 10,000 Gazans, which has not ended yet, but is expected to create a mechanism enabling such payment regularly.</p> <p>In June, the Centre started to face greater difficulties with its requests to visit detention centres. No visits were allowed by the security apparatuses in Gaza between June and late September. This trend has changed, however, since the last week of September, and lawyers were</p>

<sup>115</sup> All human rights organizations in the Gaza Strip boycott the courts in Gaza since Hamas' taking over of the courts compound in November 2007.



<ul style="list-style-type: none"> <li>- Conduct regular visits to prisons and detention centres and meet with detainees/victims</li> <li>- Correspond with authorities regarding HR violations; including IOF, Palestinian authorities in Gaza, to inquire about detainees and/or other systematic violations</li> </ul>	<ul style="list-style-type: none"> <li>- Over 2000 visits to prisoners in detention centres in Gaza and Israel conducted; most of them were short and aimed to enquire about their treatment and detention conditions.</li> <li>- 45 meetings; including meetings with Mol General Monitor; police commanders, director of prisons in Gaza, judges, mayors, hospital directors and the Bar Association. Meetings aimed to ensure respect of the due process, protection from torture and ill treatment of detainees and ensuring access to evidence needed for documentation of IHL violations during Israel's Operation Cast Lead.</li> <li>- Conducting investigations (jointly with Al-Haq) into 23 files of war crimes committed by IOF during their military Operation Cast Lead", seven of them were finalized, while the rest are still being completed. 212 affidavits were collected by lawyers from survivors and/or witnesses.</li> <li>- Submitting 412 notification forms to the Israeli Ministry of Defense to enable victims of their right to file lawsuits for compensation within the coming two years.</li> <li>- All complaints received from victims of human rights violations or their families were handled through oral and written communications with the relative parties either at the Israeli or the Palestinian side.</li> </ul>	<p>allowed access to persons under detention in 60%-70% of the cases.</p> <p>Work on war crime files continued in cooperation with Adalah and Al-Haq . 11 complaints were filed in Israel, and Al Mezan; in partnership with Al-Haq, was part in two cases involving universal jurisdiction.</p> <p>The Legal Assistance Unit continued to support the work of the Combating Torture &amp; CID Project.</p> <p>Cooperation with PHR-I resulted with increased success in helping Gazans who needed to leave the Gaza Strip for health reasons.</p>
<ul style="list-style-type: none"> <li>- Monitor draft laws, decisions, decrees issued by authorities (draft laws conditioned by change in political environment in Gaza)</li> </ul>	<ul style="list-style-type: none"> <li>- No laws were monitored due to the suspension of the work of the PLC.</li> <li>- One news briefing and 18 press releases and two news briefing commenting on legal interventions were issued by the Legal assistance unit during the reporting period.</li> <li>- 5 position papers were produced as follows:</li> </ul>	<p>While the PLC is not able to be convened, human rights NGOs have observed with concern the amendments made on legislations in Gaza; especially those related to the Penal Code and the PLO</p>



<ul style="list-style-type: none"> <li>- Draft statements and position papers criticizing deviation from HR standards in legislations/policies</li> <li>- Produce Legal Guides</li> <li>- Organize 2 workshops on legal matters</li> </ul>	<p>3 position papers on: 1) torture in Gaza, 2) trying civilians before military courts in Gaza, and 3) the proposed transfer of the PLC powers to the PLO Central Council.</p> <p>2 position papers on 1) Israeli Unlawful Combatants Law, and 2) torture in Israel.</p> <ul style="list-style-type: none"> <li>- Two new Legal Guides were produced as follows:             <ol style="list-style-type: none"> <li>1. Guide on Arbitration;</li> <li>2. Guide on the Rights of the Disabled in Domestic Law and HR Standards</li> </ol> </li> </ul> <p>Moreover, due to the high demands on previous Legal Guides, four previous Guides were updated and reprinted during 2009.</p> <ul style="list-style-type: none"> <li>- 1 workshop was organized on the conditions of Palestinian prisoners in Israel and their needs after release.</li> </ul>	<p>Revolutionary penal Code.</p> <p>There have also been attempts to make amendments to legislations that regulate the NGO sector.</p>
<ul style="list-style-type: none"> <li>- Training courses and workshops</li> <li>- Meetings with civil society groups</li> <li>- Participation in events aimed at enhancing HR activism</li> <li>- Networking and joint intervention</li> </ul>	<ul style="list-style-type: none"> <li>- Conducted contributed to 12 trainings; nine within Al Mezan's training courses and three in cooperation with NGOs; including Women's Affairs Centre and Save the Children Alliance.</li> <li>- 42 participations in events, including media interviews, meetings with governmental figures, and NGO representatives.</li> <li>- 28 interventions with Physicians for Human Rights-Israel on the right to health, and 3 interventions with Gisha on the right to free movement. Also, two joint petitions were filed with the Israeli High Court, as mentioned above.</li> </ul>	<p>Most of the networking for legal intervention was carried out by the Admin Unit; especially the communications coordinator, but was supported by the legal assistance unit.</p>

<b>Training and Mass Communication Unit</b>		
<b>Planned activities</b>	<b>Planned activities</b>	<b>Notes</b>
- Conduct 2 face-the-public meetings on	2 Face the public meetings organized on:	All of the training and mass



<p>ESCR issues</p> <ul style="list-style-type: none"> <li>- Organize 10 workshops<sup>116</sup> and meetings; inc. 2 meetings for journalists and civil society to discuss freedom of the press and association, and encourage them to tackle HR issues</li> </ul>	<ul style="list-style-type: none"> <li>- Sanitation system problems in Az-Zeitoun neighbourhood in Gaza city.</li> <li>- Sanitation system problem network problems in middle Gaza district.</li> </ul> <p>13 workshops (4 educational on IHL, child rights, and human rights, and 6 thematic) organized by the Centre of jointly with other organizations. Those thematic were on:</p> <ul style="list-style-type: none"> <li>- The challenges faced by Palestinian fishers amid absence of protection.</li> <li>- Civil society organizations and human rights. (2 workshops)</li> <li>- Legal status of Gaza and hostile activities.</li> <li>- Air and missile warfare.</li> <li>- Preparing war crimes files and sworn affidavits.</li> <li>- Workshop on ESCR for UNRWA teachers.</li> <li>- Workshop on the Family Law and Women's Rights for a group of 90 secondary school girls.</li> <li>- Workshop on Human Rights Education for a group of teachers and rehabilitation workers at Al Amal School for the Disabled in Rafah.</li> </ul> <p>Another five training workshops were also organized by the TMCU.</p>	<p>communication activities were suspended during the first three and a half month of the year as they did not represent a priority during this period. Nevertheless, training of field workers and lawyers on skills that served monitoring and documentation was conducted.</p>
<ul style="list-style-type: none"> <li>- Organize 12 training/awareness courses</li> </ul>	<ul style="list-style-type: none"> <li>- 12 training courses as follows:             <ol style="list-style-type: none"> <li>1. Training on child rights for a group of social workers;</li> <li>2. Training on children and women rights under IHRL &amp; IHL, and protection mechanisms;</li> <li>3. Training on the right to housing &amp; displacement in international law for a local committee (in cooperation with Save the Children – UK);</li> <li>4. Training on the basic concepts of human rights and IHL for a group of students' leaders;</li> <li>5. Training on Children and Women's Rights for a group of local women activists in Ad-Daraj neighbourhood in Gaza City;</li> <li>6. Training on children rights for a group of 20 workers at Al-Qattan Centre in Gaza City (participants work with children);</li> </ol> </li> </ul>	<p>Al Mezan decided to cancel the summer camps during the reporting period. UNRWA has started to organize summer games for some 250,000 children in Gaza; therefore, the need for this type of activity declined.</p> <p>Despite the delay in launching the TMC activities, due to the conditions in Gaza directly after Israel's Operation Cast Lead, the Unit succeeded to carry out its plan, but also to organize some extra activities</p>

<sup>116</sup> In addition to these 10 workshops by the TMCU, it is planned that six workshops would be organized by other units.



<ul style="list-style-type: none"> <li>- Conduct a specialized training course for lawyers</li>   <li>- Conduct 15 lectures and discussion meetings on HR</li>   <li>- Organize a seventh version of Pass-the-Word Program for students<sup>117</sup></li> </ul>	<ol style="list-style-type: none"> <li>7. Four trainings on human rights education for a group of 30 UNRWA teachers;</li> <li>8. Training on ESCR for CBO's (in cooperation with OHCHR, Gaza office);</li> <li>9. Training on the right to health in IHRL and IHL for a group of health personnel in Gaza.             <ul style="list-style-type: none"> <li>- In addition, two one-day training were organized for field workers who worked with Al Mezan on documenting human rights and IHL violations.</li> <li>- Lawyers' training was concluded successfully. TMCU advertised the training relatively late in 2009 due to the developments in Gaza. 80 lawyers applied and 25 were selected to take the training. 33 training sessions (108 training hours) were organized for the group. Participants sat for a test after every eighth session, and in the end of the training.</li> <li>- 46 lectures were organized for school children, teachers, parents and social workers. One lecture was also given to a group of university students in a summer camp organized by a CBO.</li> <li>- Seventh version of Pass-the-Word program completed:                 <ul style="list-style-type: none"> <li>▪ Two courses and two workshops were conducted to qualify the volunteers of the seventh version of PW;</li> <li>▪ 17 courses were organized by student volunteers with their peers at campuses; in which volunteer students worked with 277 other students; 115 of who were female students.</li> </ul> </li> </ul> </li> </ol> <p>No summer camps were organized during the reporting period.</p> <p>TMCU contributed to developing materials on human rights education,</p>	<p>that respond to human rights conditions in Gaza.</p> <p>Demand on lawyers' training increasing.</p>
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<ul style="list-style-type: none"> <li>- Organize 2 HR summer camps for children</li> <li>- Produce training materials</li> <li>- Publish the minutes and findings of significant meetings and/or workshops</li> </ul>	<p>children rights, juvenile justice, torture, and IHL.</p> <p>Minutes of the above-mentioned conference on the right to water was prepared for printing, and are expected to be in print in the 1<sup>st</sup> week of February.</p> <p>As an extra activity, the TMCU organized a significant <a href="#">conference on the right to water and sanitation in Gaza</a>. The conference was organized in cooperation with the OHCHR to mark the Human Rights Day. Moreover, the Al Mezan's TMCU was invited by UNRWA to take part in deliberations on the development of the human rights curriculum. Later, the TMCU coordinated 20 meetings with teachers to discuss the new curriculum and the significance of human rights education.</p>	
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<b>Technical Assistance and Advocacy Unit</b>		
<b>Planned activities</b>	<b>Planned activities</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>- Two reports on movement and access; impacts on HR</li> <li>- 4 Studies on specific ESCR issues/situations in Gaza</li> <li>- Issuance of press releases</li> </ul>	<p>6 reports and studies on:</p> <ul style="list-style-type: none"> <li>- The impact of Operation Cast Lead on the sanitation system services in the Gaza Strip.</li> <li>- The Impact of Operation Cast Lead on the Right to Water in the Gaza Strip.</li> <li>- The impact of Operation Cast Lead on education in the Gaza Strip.</li> <li>- Targeting of Medical Centres, Ambulance Teams and Civil Defence Teams during Operation Cast Lead in the Gaza Strip.</li> <li>- Freedom of Expression and Peaceful Assembly in Gaza Universities</li> <li>- The Cash Crisis in the Gaza Strip under Israeli Blockade.</li> </ul> <p>- 9 news briefings issued by the unit.</p>	<p>Reports mainly focused on the implications of Operation Cast Lead on ESCR.</p>



<ul style="list-style-type: none"> <li>- Contribute to joint reports by INGOs and networks.</li> </ul>	<ul style="list-style-type: none"> <li>- The Unit contributed to one report and two fact sheets by INGOs</li> </ul>	
<ul style="list-style-type: none"> <li>- Send letters to decision-makers with the findings of studies and reports</li> <li>- Invite decision-makers and government officials to meetings and workshops</li>   <li>- Publish findings in the media</li> </ul>	<ul style="list-style-type: none"> <li>- 56 letters sent to decision makers and duty-holders. 4 other letters were sent to the media in the course of the free expression and assembly in Gaza universities activity.</li> <li>- 48 decision makers and government official invited to the two workshops organized by the unit and to personal meetings in their offices or Al Mezan's offices. Another 50 university students and administrative staff members were invited to two workshops related to the "Freedom of Expression and Peaceful Assembly in Gaza Universities above".</li>   <li>- The findings of the reports were published on different media websites, including Maan news agency, Palestine Press, Al Jazeera net, Amad news, and Palestinian local newspapers.</li> </ul>	
<ul style="list-style-type: none"> <li>- Training courses and workshops</li> <li>- Meetings with civil society groups</li> <li>- Participation in events aimed at enhancing HR activism</li> </ul>	<ul style="list-style-type: none"> <li>- Conducted 9 training sessions on ESCR and woman rights.</li> <li>- Three workshops organized on: <ul style="list-style-type: none"> <li>- Two workshops on drafting and advocating a pact of honour for student blocs in Gaza universities to avoid fractions among students and respecting freedom of expression and assembly inside university campuses on political backgrounds.</li> <li>- International relief aids during and after operation cast lead.</li> </ul> </li>   <li>- 7 meetings with UNRWA school teachers on incorporating human rights in school curriculums. 4 meetings following on environmental and health problems in North Gaza district. 51 meetings with students, students' blocs, administrative staff and student unions in Gaza universities.</li> <li>- 19 participations in NGO events.</li> </ul>	
<ul style="list-style-type: none"> <li>- Interviews with the media</li> <li>- Meetings with duty-holders</li> <li>- Publication</li> </ul>	<ul style="list-style-type: none"> <li>- 7 interviews with media agencies on ESCR issues.</li> <li>- 13 meetings with duty holders, governmental official, and NGO representatives.</li> </ul>	



### **3.5. Obstacles and difficulties:**

The human rights situation deteriorated in the Gaza Strip, hitting a serious low during the reported period. The political/security conditions became much worse in Gaza under the conditions of siege, conflict and internal split. The socio-economic and humanitarian conditions exacerbated under the brutal siege which affects the entire population in ways that are impossible to report in this short, rather technical report. The lack of equipment and materials necessary to maintain healthcare, water, sanitation and education facilities brings about human rights implications for the entire population. These conditions further worsened following last winter's war, which practically destroyed the majority of the civilian infrastructure in Gaza and resulted with serious regression in the housing, agricultural and health-related sectors. These conditions created difficulties that Al Mezan had to cope with in order to maintain its ability to act upon its goals and mission.

Throughout the year, Al Mezan focused its attention to responding to the crisis during and after Operation Cast Lead. It engaged into a large process of documentation, which was necessary for facilitating humanitarian and human rights and legal interventions, whether by Al Mezan or other NGOs and agencies. At the same time, Al Mezan insisted on keeping a close eye at the human rights situation with relation to Palestinian non-state actors; including the two Palestinian governments and the resistance and armed factions and groups. This comprehensive approach to human rights is necessary in the Palestinian context; however, makes up a very large agenda to act on. Al Mezan accepts this challenge and is determined to do everything possible to defend human rights in oPt.

The following section sheds light on the main obstacles, the way they affected the work of the Centre and, where applicable, how the Centre dealt with it. In general, flexibility and continuous monitoring of the situation were the keys to deal with the situation.



Obstacle	Solution	Lesson Learned
<b>Scope of the Work Vs. Capacity</b>	<p>This is a significant obstacle, as Cast Lead war was conducted on an unprecedented scale and the Centre's capacities and resources had to be expanded. At the same time, other significant factors affecting human rights persisted, or even worsened; including the Israeli siege and the Palestinian-Palestinian split, thus creating an enormous agenda for Al Mezan. The Centre had to quickly develop responses, recruit funds and manpower, devise strategies to rapidly and effectively collect information and implement interventions.</p>	<p>Al Mezan's work and experience prior to Cast Lead war laid the groundwork for its ability to cope with the crisis. In the future, Al Mezan will be well prepared to deal with such emergencies of similar scale, with necessary human resources and procedures. Among the lessons learned were:</p> <ul style="list-style-type: none"> <li>- Importance of commitment and motivation of staff members and volunteers, which should be praised and supported;</li> <li>- Importance of existing relationships with partners, but also developing ability to recruit emergency funds from new donors;</li> <li>- Ability to address a geographically wide problem on a short time frame is key to adequate response and should be programmed;</li> <li>- Importance of strengthening internal communications during times of crisis in order to ensure proper monitoring that feeds directly into protection and advocacy activities;</li> <li>- Ability to engage positively with the human rights and humanitarian communities.</li> </ul>
<b>Danger of the Work</b>	<p>The volatile situation in Gaza posed an ongoing challenge to Al Mezan Centre's work; particularly for field workers and lawyers when working in the field. The Centre's employee instructions address this issue and focus on safety. For example, field workers had been requested to establish a network of relations with local communities. Before entering an area, they must make contact with trusted individuals on site to ensure there is no gunfire or other life-threatening situation.</p> <p>Fieldworkers have had to deal with new risks, such as UXO's and locations and areas widely destroyed by heavy ammunitions. However, they do not have training on dealing with UXO's and/or risks relevant to examining this kind of situations.</p>	<p>Human rights activism can be risky; however, it is of utmost importance to reach a balance between access to information and victims and staff safety. Al Mezan's staff members are generally more prepared for this kind of challenge.</p> <p>Staff members were advised to strengthen their relationships with the local communities with which they work with, and suggest delivering training on monitoring and reporting human rights violations for them. It is important – especially under crisis and war conditions, that ordinary people contribute to reporting and protecting their rights throughout a cooperative relationship with Al Mezan.</p> <p>All of Al Mezan's fieldworkers will received advice on UXO's and risks posed by ammunition and destroyed property.</p>
<b>Pressure to Publish</b>	<p>To facilitate protection and humanitarian interventions and to</p>	<p>While Al Mezan Centre always finds itself under pressure to deliver quick</p>



<b>Data</b>	<p>counter allegations that could further harm civilians; such as that the majority of those killed in Gaza were combatants, Al Mezan Centre found itself under enormous pressure to provide information on a short time frame. The pressure came particularly from the media, INGOs and UN agencies that wanted to fact check numbers or to initiate political, humanitarian and legal interventions in response to Operation Cast Lead.</p> <p>Because of the scale of the attack, Al Mezan was unable to provide 100% accurate counts on a short time scale. But that was temporary and mainly affected by the inability to access certain areas during the fighting. Al Mezan issued preliminary numbers preceded by a disclaimer paragraph to the effect that the information represents only what it was able to verify. Investigations have continued and the verified information was available by the end of May.</p>	<p>and accurate information, its skills in this area were sharpened in this project. Al Mezan gained new troubleshooting techniques to address the need for a rapid turnaround of information while maintaining its organizational integrity.</p> <p>In 2009, Al Mezan strengthened its capacity to collate and verify data as quickly and accurately as possible because this can be crucial for aiding civilians and preventing violations.</p> <p>As mentioned above, Al Mezan also works on strengthening its networks within local communities and continues its trainings on monitoring and documentation of human rights and IHL violations.</p>
<b>Legal work; the problem of accountability</b>	<p>Cast Lead war was unprecedented in its impacts on civilians and civilian property. Many of the cases observed by Al Mezan raise credible questions as to the likelihood of commitment of war crimes; some were shocking and indicate that they were committed too easily under a history of lacking accountability. Al Mezan did not have extensive experience in documenting cases involving potential war crimes intended for legal intervention. However, the legal and field work team started to document such cases with a view to file cases in Israel and/or abroad, in cooperation with human rights NGOs in Israel and the West Bank. This is very important for accountability to be ensured and prevention is sought in the future.</p> <p>Al Mezan continues to seek to expand its experience and the skills of its staff members in this area. It continues to seek to deepen the coordination with relevant organizations and groups. It also has raised funds to recruit experts in IHRL and IHL to work on these files and provide sustainable capacity to the organization.</p>	<p>Staff capacity building in this area is crucial. Al Mezan provided training for its staff; mostly by inviting experts to speak via videoconference. It also recruited funding for a project in which experts come to work with staff members directly and pass new knowledge and skills for them.</p> <p>In addition to sound monitoring and documentation and legal intervention at the local level, legal intervention should be expanded in order that all the mechanisms of protection and used to their maximum. Efforts to strengthen networking and build capacity have started, yet they need to be supported in the soon future.</p> <p>Besides reporting and advocacy, litigation is very important to ensure higher standards of protection of human rights. The experiences in 2009 suggest that any coming rise in conflict will likely see greater respect of IHL and; therefore, better protection of civilians by all parties.</p>
<b>The Gaza siege: a multifaceted</b>	<p>The siege in Gaza creates a large variety of problems:</p> <ul style="list-style-type: none"> <li>- It adds much pressure as documenting its impacts is</li> </ul>	<p>Under conditions of siege, improvising solutions to problems affecting the work is crucial. Al Mezan took some steps that were strengthened in 2009;</p>



<p><b>obstacle</b></p>	<p>needed, and combating these impacts is a necessity. Joint action with HR NGOs, and coordination with the UN agencies is therefore necessary;</p> <ul style="list-style-type: none"> <li>- The management of human rights work under crisis is problematic; however, inevitable. New strategies need to be devised.</li> <li>- Building capacity under siege is greatly problematic; however, encourage seeking local opportunities when possible. When external experts were not allowed in; local experts were hired when found. When books were not available in Gaza; some books were brought from outside, albeit with difficulty. But when materials necessary for construction and development were not available, little could be done. Al Mezan, for instance, had to fix the damages in the library following an Israeli attack in the vicinity of Jabalia office.</li> <li>- Recruitment of staff members remains a challenge in Gaza. Several round of advertisement and interviewing were done to recruit staff members; however, not will full success. Some positions were not filled during 2009.</li> <li>- Advocacy efforts were hampered significantly owing to the siege, as staff members were not allowed to travel to take part in significant activities outside Gaza. Videoconference meetings and presentations were made. Joint advocacy actions solved part of the problem. However, there is a need to challenge the blanket ban on human rights defenders' movement.</li> </ul>	<p>including devising databases that serve internal monitoring and setting up of an emergency committee that coordinates heavily with the Board of Directors.</p> <p>There is a need to request more support from partners in order to ensure access of important experts to Gaza for capacity-building.</p> <p>Working on human rights defenders' movement is of much importance in the next year.</p> <p>Under the failure to recruit senior staff members who possess the skills and experience needed; advertisement should be done again, with a possibility to advertise outside Gaza.</p>
<p><b>Fund-raising: basket-ing and political pressures</b></p>	<p>Fund-raising for human rights work is more or less stable in oPt; especially for well-established, transparent NGOs such as Al Mezan. Nevertheless, some problems affected the Centre during the reporting period. One problem is the contribution by various former individual donors to a basket intended to support human rights and good governance in oPt via NDC. While this development is viewed</p>	<p>Expanding the group of donors/partners is necessary. Al Mezan's efforts to maintain this expansion, even when its financial situation was stable, proved useful when troubles occurred.</p> <p>Partnerships with international NGOs is significant because it 1) ensures substantial funding and 2) creates meaningful partnerships in which joint</p>



	<p>as a positive one as it entrenched donors coordination, it affected the Centre. Also, a delay in finalizing an agreement with a donor caused some problems.</p> <p>In response, Al Mezan new expanded its pool of donors, recruited funds for emergency responses, and has been seeking to raise funds from new donors.</p> <p>Moreover, as a result of Al Mezan and other Palestinian and Israeli NGOs' documentation of Israeli violations of human rights, Israeli official and unofficial attempts to pressure donors to refrain from supporting these organizations have increased in 2009. Attacks in the media and advocacy efforts by pro-Israel groups intensified. In most cases, there was not a need to act on these ungrounded allegations. In other times, Al Mezan and other NGOs responded by explaining their positions regarding human rights issues and refuting false allegations; such as adopting a 'hidden political agenda' or 'excessively focusing on Israeli violations'. In response to these allegations, Al Mezan stressed its mission and vision, and provided information about its strategy, which is based on its declaration that it combats human rights violations regardless the identity of the violator(s).</p>	<p>actions on human rights can be carried out.</p> <p>Certain false allegations against human rights NGOs must be responded to with sufficient care and seriousness, as they clearly aim to discredit respectable human rights organizations in pursuit of political gains. This said, joint actions to this effect have proved more effective.</p>
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#### 4. Project activities

During the reporting period, the following projects were in progress:

Project Title	Donor	Goals/Objectives	Planned Activities	Implemented Activities
Organizational Capacity-Building (Concluded in 2009)	The Ford Foundation	Enhance admin and financial capacity through review/upgrade of statutes	Recruit an external company to conduct a review and recommend upgrade process.	Review conducted and conclusions are being considered by the Centre's Board of Directors for endorsement. <sup>118</sup>
Promotion of IHL in Gaza by Education/Information (Concluded in 2009)	Diakonia	To contribute to promoting respect for and protection of human rights through education on IHL and ESCR in Gaza.	<ul style="list-style-type: none"> <li>- Expansion of training/education programme to include IHL education.</li> <li>- IHL publications.</li> <li>- Lawyer training.</li> <li>- Capacity building to strengthen IHL training/education in Gaza.</li> <li>- Research in ESCR and IHL.</li> <li>- Support library with IHL resources.</li> </ul>	<ul style="list-style-type: none"> <li>- Expansion of 13 training courses to cover IHL</li> <li>- Five training courses for lawyers</li> <li>- One capacity-building workshop</li> <li>- Five training workshops for field worker</li> <li>- One lecture on the Israeli Unlawful Combatants Law</li> <li>- One lecture on Operation Cast by Prof. Ian Scobbie</li> <li>- Arranged one training session by lawyers from the UK for field workers and lawyers investigating IHL/IHRL violations</li> <li>- One lecture on IHL for law professors</li> <li>- One major workshop on IHL enforcement</li> <li>- Purchase of IHL books for the library</li> </ul>
Promotion of Free Expression and Media Work in Gaza (Concluded in February 2009)	CARE International (GWB)	To contribute to promoting and protecting freedom of expression and free press in Gaza	<ul style="list-style-type: none"> <li>- Support monitoring and documentation.</li> <li>- Reporting on violations of free expression.</li> <li>- Training for journalists and media workers on HR.</li> </ul>	<ul style="list-style-type: none"> <li>- Documentation of HR violations; particularly those directed at free expression.</li> <li>- Producing a report on free expression in Gaza.</li> </ul>
Supporting Documentation and Legal Assistance of Human	Trocaire	To strengthen Al Mezan Center's capacity to prepare case files for	- Recruit and deploy an IHL and an a human rights expert	<ul style="list-style-type: none"> <li>- Recruitment of the two experts.</li> <li>- Translation of relevant materials<sup>119</sup></li> </ul>

<sup>118</sup> This project was expected to be concluded in January 2009; however, it was delayed owing to the deterioration of the security conditions in Gaza. It was concluded in February 2009.

<sup>119</sup> Due to restrictions on movement, the two internationals who were recruited for this project were not allowed to enter Gaza in August 2009. One of them managed to enter Gaza on 30 December 2009. Another local expert was recruited for the project. The donor, Trocaire, kindly approved a no-cost extension of the project until 30 June 2010.



Rights Violations in Gaza (Extended till June 2010)		legal intervention, both in courts and with human rights procedures	<ul style="list-style-type: none"> <li>- Work with national staff to investigate HR and IHL violations and build cases</li> <li>- Build the national staff capacity to investigate violations and build cases</li> </ul>	
Emergency – Monitoring & Documentation of HR violations in Gaza (Concluded in 2009)	NDC Small Grant Facility	To support the M&D activities at Al Mezan Centre to respond to Operation Cast Lead	<ul style="list-style-type: none"> <li>- Recruitment, training and deployment of 10 field workers</li> <li>- Organizing visits to the field to collate data on IHRL and IHL violations that occurred during OCL</li> <li>- Collate evidences necessary for building cases for reporting and legal intervention.</li> </ul>	<ul style="list-style-type: none"> <li>- Documentation activities were completed within the schedule.</li> <li>- Field visits and collection of data and evidences.</li> <li>- Documentation contributed to reporting, advocacy and building cases.</li> <li>- Data-entry</li> </ul>
Emergency – Monitoring & Documentation of HR violations in Gaza (Concluded in 2009)	Save the Children UK (SCUK)	To strengthen Al Mezan's capacity in M&D in crisis conditions; reach necessary information and evidences necessary for successful intervention by deploying 5 field workers	<ul style="list-style-type: none"> <li>- Recruitment, training and deployment of 5 field workers</li> <li>- Organizing visits to the field to collate data on IHRL and IHL violations that occurred during OCL</li> <li>- Collate evidences necessary for building cases for reporting and legal intervention.</li> </ul>	<ul style="list-style-type: none"> <li>- Documentation contributed to reporting, advocacy and building cases.</li> <li>- Field visits and collection of data and evidences.</li> <li>- A joint report is being drafted in cooperation with DCI-ps based on the M&amp;D activities under this project.</li> </ul>
Emergency: Legal Assistance for Victims of Human Rights Violations in Gaza (Concluded in 2009)	Open Society Institute (OSI)	To provide Legal Assistance for Victims of Human Rights Violations in Gaza	<ul style="list-style-type: none"> <li>- Recruit 1 lawyer</li> <li>- Compile and send 300 complaints against Israeli violations to the Israeli Ministry of Defence</li> </ul>	<ul style="list-style-type: none"> <li>- One lawyer was recruited.</li> <li>- 412 complaints were sent to the Israeli Ministry of Defence</li> <li>- Documentation served reporting and advocacy</li> </ul>
Emergency – Monitoring & Documentation of HR violations in Gaza (Concluded in 2009)	Rights & Democracy	To strengthen Al Mezan's capacity in M&D in crisis conditions; reach necessary information and evidences necessary for successful intervention by deploying 2 field workers	<ul style="list-style-type: none"> <li>- Recruitment, training and deployment of 5 field workers</li> <li>- Organizing visits to the field to collate data on IHRL and IHL violations that occurred during OCL</li> <li>- Collate evidences necessary for building cases for reporting and legal intervention.</li> </ul>	<ul style="list-style-type: none"> <li>- Field workers were recruited, trained and deployed.</li> <li>- Field visits and collection of data and evidences.</li> <li>- Documentation contributed to reporting, advocacy and building cases.</li> </ul>
Combating and Preventing Torture and Ill-Treatment of Palestinian Prisoners held in	The European Union	Combating and Preventing Torture and Ill-Treatment of Palestinian Prisoners held in	<ul style="list-style-type: none"> <li>- Monitoring and documentation of torture and cruel, inhuman treatment.</li> </ul>	<ul style="list-style-type: none"> <li>- The project was officially initiated in May; however, Al Mezan recruited its staff in late July.</li> <li>- Monitoring and documentation started. Cases</li> </ul>



<p>Israel Prisons and Palestinian Civilians in the OPT (initiated in may 2009)</p>		<p>Israeli Prisons and Palestinian Civilians in the Occupied Palestinian Territory (OPT)</p>	<ul style="list-style-type: none"> <li>- Legal assistance.</li> <li>- Advocacy: challenging policies and practices in courts; reporting to the UN and EU.</li> <li>- Training and capacity building for lawyers, health personnel and activists.</li> </ul>	<p>involving victims of torture, victims of restrictions on movement, human shields and use of prohibited weapons...etc.</p> <ul style="list-style-type: none"> <li>- The partners submitted alternative reports to CAT when it examined Israel's periodic report. Members of Adalah and PHR-I attended CAT sessions and conducted advocacy activities in Geneva (Al Mezan's staff were not able to leave Gaza due to the siege).</li> <li>- Dozens of cases of torture/CID were followed up. Access of 42 patients to medical care was ensured.</li> <li>- Policies relevant to torture/CID have been challenged</li> <li>- Trainings on torture/CID for lawyers and medical personnel was designed, to be implemented in 2010.</li> <li>- Two questionnaire forms and a database were designed.</li> <li>- One advocacy mission with the EU was carried out by the partners.</li> </ul>
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## 5. Financial reports/issues:

### The Core Programme:

The reporting period represents the first year of the new 3-year program strategy 2009-2011. Therefore, there have been changes concerning the Centre's donors, and some difficulties.

For example, one of the core donors that supported Al Mezan for six consecutive years; the Netherlands Representative Office to the PA, joined the new donor secretariat that is run by the NGO Development Center (NDC). Moreover, the agreement with ICCO/Kerkinactie ended in December 2008 and Al Mezan was asked to report and then submit a new request for core funding. Al Mezan did so successfully; however, and a new agreement was signed in July 2009. Contacts with one of Al Mezan's donor partner; the Norwegian Representative Office to the PA (NRO), saw some delays due. The NRO had supported Al Mezan's previous 3-year program strategy and agreed to support the Centre in 2009. The contacts with NRO were fruitful, and there is understanding that the agreement covering 2009 would be fully implemented, and that cooperation would continue in 2010 and hopefully in the future.

Donor-partner ICCO/Kerkinactie kindly approved Al Mezan's request to use funds that had been withheld since 2005; as since reported in the annual financial and audit reports, to support the core program during 2009. As mentioned above, Al Mezan also successfully started cooperation with new donor partners who supported the core programme in 2009. These include the Open Society Institute (OSI) and Medico International - Germany. The Centre's financial situation could therefore be described as stable.

As a general comment, the consolidated budget for the core programme is USD 762,738.<sup>120</sup> Of this amount, the Centre spent USD 608,297. The total actual core-programme-specific donations to support this budget during the reporting period is USD 413,223. However, there remain pledges for an amount of USD 130,200; including USD 80,200 (the figure could change slightly in light of NOK/USD exchange rate on the date of disbursement), and USD 50,000 which makes up the final disbursement from NDC. These two disbursements will fully cover the budget for the reporting period.

The difference between the budget (USD 762,738) and the actual expenditure (USD 608,297) is owed to certain factors. During the reporting period, the staff salaries item was substantially reduced. This is owed mainly to 1) that a number of staff members left the Centre temporarily to pursue higher education in human rights; 2) that a number of staff members resigned but were not replaced during the reporting period; and 3) a number of staff members were recruited several months into the year. Also, some activities were not implemented, such as summer camps, part of the staff capacity building, and awareness and advocacy activities outside Gaza.

### Project funding: a sound solution for emergency conditions

Another significant note is that Al Mezan also sought to recruit funds to support separate projects in order to strengthen some of the core program's components; e.g. monitoring & documentation and legal assistance, in order to respond to emerging human rights

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<sup>120</sup> To be compared with initial budget of USD 762,736, which was modified later in light of the projected decrease of staff salaries and activities costs.



situations. With regard to project funding the following developments occurred during the reporting period:

- The agreement with the Ford Foundation was extended in order to allow for the capacity building activities to be concluded after they were suspended during Cast Lead war. It was concluded in February 2009.
- The agreement with Care International (WBG) was extended to support monitoring & documentation activities in the aftermath of Cast Lead war. It was concluded in February 2009.
- The agreement with Diakonia was extended through a no-cost extension in order that Al Mezan completes all of the project activities and implemented some extra activities that lie under the same project goal. The project was concluded on 31 December 2009.
- A project that was funded by Trocaire was concluded; however, much of the fund was not spent. Trocaire claimed the remaining fund back and Al Mezan transferred it.
- Adalah, as the applicant, signed the above-mentioned project on combating torture with the EU on behalf of Al Mezan and PHR-I in May 2009. The project activities started in May; however, the recruitment of the project staff was concluded in July.
- The agreement with Save the Children UK was extended until October 2009. Al Mezan has agreed with SCUK to use the remaining fund to support activities that lie under the same project goal.
- The agreement with NDC-Small Grant Facility, which supports a monitoring and documentation project, was extended until November 2009, and was concluded.
- A project on M&D was concluded with support from Rights & Democracy.
- A project on supporting legal assistance was concluded with support from the OSI. OSI kindly approved Al Mezan's request to use the remaining fund (less than USD 2,000) to support its legal assistance component in the core program.
- A project on M&D and legal assistance is to be initiated in August 2009 with support from Trocaire. This project was not properly initiated due to failure to bring two staff members (both internationals) into Gaza. Nevertheless, in December 2009, Trocaire kindly approved a no-cost extension of the project (until 30 June 2010), which allowed Al Mezan to help one staff member to enter Gaza via Rafah Crossing and to recruit a local staff member.

These projects reflect the fact that there has been a crucial need to increase the spending on monitoring and documentation and legal assistance activities in the aftermath of Cast Lead war. The budget allocations for these two components in the consolidated core programme budget could not have sufficed for the enormous new needs, which were mostly temporary; therefore, project funding seemed to be a sound option.

The enclosed financial statements show in full detail the amounts of funding for the core program as well as each of these projects.

**Problems with bank transfers to Gaza hovering; yet limited:**

Moreover, for the second time, Al Mezan has been informed by Haifa-based organization Adalah that they could not transfer the funds allocated for Al Mezan under the EU funded Combating Torture project owing to the refusal by Israeli banks to make any transfers to the



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Gaza Strip. This policy is a general one and not specific to Al Mezan.<sup>121</sup> Therefore, Al Mezan and Adalah contacted the Euro-Mediterranean Human Rights Network (EMHRN), who agreed to receive the fund from Adalah and transfer it to Al Mezan. The transfer was made successfully, and the project was initiated, although with some delay.

Al Mezan takes this opportunity to thank its core and project donor-partners' support, and EMHRN for its help with the problem concerning the transfer for the Combating Torture project jointly.

The following table shows the donations made by donor-partners to Al Mezan during 2009. Financial statements are enclosed in a separate Excel sheet. The Audit report will be sent to all the partner when it is completed, hopefully by the end of February 2009.

**Al Mezan Centre for Human Rights**  
**Source of Cash Statement**  
**Period 1 Jan -31 Dec 2009**

**Core Fund**

Donor	Amount Transferred (USD)	Remarks
Netherlands Representative Office to the PA	14,302	Pledge- 2008*
NGO Development Centre (NDC)	150,000	Pledge -2008**
NGO Development Centre (NDC)	150,000	2nd, Instalment 2009
NGO Development Centre (NDC)	150,000	2nd, Instalment 2009
Open Society Institute (OSI)	25,000	Instalment 2009
ICCO/Kerkinactie	74,124	Instalment 2009
Medico International	14,099	Instalment 2009
<b>Available Cash</b>	<b>577,525</b>	

\* This amount represents the last payment pledged by the donor as for the period 2006-2008. It was spent in 2008.

\*\* This amount was pledged by the donor for the second half of 2008. Most of it was spent in 2008.

**Al Mezan Centre for Human Rights**  
**Source of Cash Statement**  
**Period 1 Jan -30 Dec 2009**  
**Non-Core/Projects funds**

Donor	Amount Transferred (USD)	Remarks

<sup>121</sup> As mentioned above in this report, Israeli banks refuse to make any transfers to Gaza; including to individuals who benefit from employment and insurance benefits. The follow up by Adalah and Al Mezan concluded that Israeli law does not prohibit such transfers; however, banks refused to make them.



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<b>NGO Development Centre - Small Grant Facility</b>	22,250	Monitoring and Documentation of Human Rights Violations (1st instalment).
<b>NGO Development Centre - Small Grant Facility</b>	17,800	Monitoring and Documentation of Human Rights Violations (2nd instalment).
<b>Save The Children UK- (SCUK)</b>	16,613	Monitoring and Documentation of Human Rights Violations (1st instalment).
<b>Rights &amp; Democracy</b>	7,886	Monitoring and Documentation of Human Rights Violations.
<b>Open Society Institute (OSI)</b>	10,700	Providing legal assistance for victims of Human rights violations in Gaza
<b>Trocire</b>	33,247	Supporting Documentation and Legal Assistance of Human Rights Violations in Gaza
<b>Care International (WBG)</b>	9,423	No-Cost Extension for 'Promotion of Free Expression and Media Work in Gaza
<b>Other</b>	779	
<b>Al-Haq</b>	15,984	Monitoring and Documentation of Human Rights Violations.
<b>Adalah</b>	53,844	Combating Torture joint Project
<b>Available Cash</b>	<b>188,526</b>	

<b>Trocire</b>	-9,590	Refund
<b>Care International (WBG)</b>	-980	Refund
<b>Refund Cash</b>	<b>-10,570</b>	

<b>Total Donation for the year 2009</b>	<b>755,481</b>
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