

Al-Haq

2010 Narrative Report

Introduction

The year of 2010 has been a year of groundbreaking activities for Al-Haq as well as unprecedented attacks on the organisation. We have been able to achieve progress on the first criminal complaint filed against corporate actor in the OPT at the international level and successfully uphold the right to democracy at the local level through the Palestinian Supreme Court. At the same time, our work has drawn the attention of critics, such as the NGO Monitor, who have gone to challenge our sources of funding ranging from Canada to Europe.¹ Al-Haq's view is that we would only draw such attention if our work is genuine and creates a real threat to the perpetrators of human rights violations. That is why we will continue our work with more vigor than ever.

The environment in which we operated was marked by internal Palestinian conflict in addition to the violations of the Israeli occupation. Internally, Al-Haq intervened with both parties, criticizing them without hesitation. This has led to criticism from both at times, but at the same time a certain amount of respect that Al-Haq stands by its principle to address all violations regardless of the perpetrator.

Two particular aspects of Al-Haq's work have displayed particular prominence in 2010. First, the ability of the organization to react with strength to unplanned developing situations on the ground, such as the new Israeli military order regarding infiltrators and the attacks on the Gaza Flotilla. Second, the reliance on Al-Haq's expertise by national actors both governmental and non-governmental, such as requests to assist in drafting new Palestinian legislation as well as advising and assisting the Palestinian internal independent commission of inquiry into the Goldstone Report findings.

Al-Haq has been able to continue its core work such as interventions to Palestinian security services as well as meeting calendar deadlines at the UN and EU level, while at the same time meeting the developing challenges as a result of its strong experienced staff and core funding structure allowing for flexibility in focus depending upon the needs presented.

Al-Haq's reputation has continued to grow with regard to national and international media, with Al-Haq serving as a reference to media for legal comments and analysis. We can confidently say that Al-Haq has become a central stop for visitors coming to the region in order to get our analysis of the situation on the ground and where things are heading. No fewer than 200 interviews have been given this year on both radio and television ranging from stations throughout the Arab world as well as outlets in Europe

¹<http://dennisgruending.ca/pulpitandpolitics/2010/12/30/dirty-tricks-at-rights-and-democracy/>

and North America. In addition to media interviews, visitors such as researchers and film makers have also increased seeking insight and analysis from Al-Haq. Policy makers from Europe and North America also made Al-Haq a necessary stop on their trip.

In addition to Al-Haq's individual work, the collective work of the Palestinian Council of Human Rights Organisations (PCHRO) has served to strengthen the voice of Palestinian civil society with numerous meetings held and press releases released in the name of the council. Al-Haq is one of 9 organisation on the council and serves as one of three secretariat members, hosting many of its meetings.

I. Monitoring and Documentation

In 2010, the Monitoring and Documentation Department (MDD) continued to fulfill its role as the backbone of the organisation as the source of information from the field, by collecting information through questionnaires in the following topics: killing, house demolition both punitive and administrative reasons, deportation and curfew, while the other topics were documented through affidavits, and some cases through field reports. The second component of the MDD involves archiving the information and documents coming from the field in a central computerized database. The third component, involved the development of Al-Haq's visual documentation which produced short clips on different issues or violations used for advocacy purposes.

Fieldwork

In 2010, Al-Haq collected 646 Affidavits from West Bank and Gaza Strip, tackling violations from both the Israeli Occupation Forces (IOF), the PA, and the de facto government in Gaza. (details in the chart at the end of this section.) These documents which are first hand information are taken from the main source, i.e. victims and/or eyewitnesses were used for different purposes, mainly for Al-Haq legal researchers to be used for either producing publications such as special studies, press releases, reports, and for advocacy purposes locally and internationally, such as UN EU bodies..

After two different training workshops in video techniques and producing visual reports the year before, the field researchers started this year to implement the skills they took to produce draft reports, which were produced in a film clips by the visual documentation unit. In addition to collecting information, the field researchers were also representing Al-Haq in their different areas, by attending meetings with different coalitions in their districts, or meetings with organizations to coordinating some of their work. As part of their tasks, the field researchers also provided field visits to visiting delegations, international organisations, and parliamentarians. some areas such as the Wall, refugee camps, and settlements.

Data Base

All the documents from the field were archived in more than one computerized program, First, the questionnaires are transferred into code to be put on the special program while the affidavits are also saved on excel sheets with all the information needed to search

for them at any moment needed, mainly according to topics. With this program we can also get statistics. All these documents with the attached pictures are scanned as well.

In 2010, the data base unit received 239 questionnaires in the topics mentioned above, 88 for killing by the IOF, while 13 were perpetrated by Palestinians: 122 questionnaires on House Demolition for the Lack of License, and 12 for punitive reasons, 3 for curfew and 1 for expulsion.

Electronically archiving these documents aims to facilitate using them in many ways, which you could summarize it as follows:

1. Internal use, for Al-Haq legal researchers and advocates, to use them in our publications, such as press releases, UN reports, small studies and reports.
2. For litigation purposes, the information was used as a basic part in preparing legal files for our accountability project.
3. For external use, university students, researchers, local and international organizations and media were targeting Al-haq as an accurate source of information for their work. This year we met the need of almost everyone who comes for information for different purposes. In 2010, the unit responded to over 40 requests from all the above mentioned sectors.

Visual documentation

The visual documentation unit continued to develop through training for the unit coordinator on equipment and editing software. Field researchers also developed their skills in creating visual reports from preparation to filming. As a result, the unit finalized 6 clips in 2010, which are on the Al-Haq website.

Training

This year, the head of Al-Haq's MDD, was asked to provide two different training workshops on monitoring and documentation, one was for Ministry of Agriculture, who is supposed to document the impact of the Wall for the UN Register of Damages and the second was for Ministry of Education. In addition to the workshops, five sessions on monitoring and documentation were provided for law students through the Human Rights Clinic in Al-Quds University. Field researchers also provided workshops on IHL and documentation to Secondary schools throughout the West Bank.

Reports

In addition to the quarterly reports which are written by the legal Researchers, the MDD produced a monthly report in Arabic, which are available the Arabic page of the Al-Haq website. Weekly reports were also produced for internal use, these reports serve to inform our legal researchers of the situation on the ground, and this report is in Arabic and English. Some of the affidavits were also translated, mainly for the quarterly report, and for other projects, such as UN advocacy or for any studies the legal researchers were working on.

Affidavits Received from the field Researchers
2010

Total number of affidavits received during year 2010 up to date, is: 646

373 Affidavits about violations by Israeli Occupied authorities

273 affidavits from West Bank and Gaza strip

The sex of the person giving the affidavit:

Male: 517

Female: 129

Subject of Affidavits	Number
Violation by Israeli Occupation Forces	
Death	41
Expulsion	4
Soldiers Harassment	87
Settlers Harassment	87
Israeli Policemen Harassment	3
Arrests and Prison Visit	46
Property Demolition for Lack of License (Houses, Wells and Canals)	30
Warnings for House Demolition	3
Wall - Gates	24
Settlement	5
Checkpoints	8
Curfew	3
Harassment against Palestinian Workers	6
Environment	2
Land Confiscation	5
Land Destruction	3
Travel Restriction	7
Family Reunification	4
Freedom of Opinion	1
Siege of Gaza	1
Others	3
Total	373
Violations by Palestinian actors	
Attacks by the de facto Government in Gaza	64
Arrests and detain by the de facto government in Gaza	3
Attacks by PA – Different Security Forces	109
Arrests and detainment by PA – Different Security Forces	81
Internal Conflict - Vigilantism	11
Medical negligence	2
Freedom of opinion	1
Others	2
Total	273
Total	646

II. LEGAL RESEARCH AND ADVOCACY

Prior to beginning the section regarding the Legal Research and Advocacy work, where most of the visible portion of Al-Haq's works stems, it is important to note the hard work that is not as visible and done behind the scenes. It is that work done by our field researchers, database and administrative staff which makes all of the work addressed below possible.

GOAL 1: INFLUENCE POLICY AT THE NATIONAL AND INTERNATIONAL LEVELS

OBJECTIVE 1

Capacity building and awareness raising in the areas of human rights and freedoms within law enforcement and civil society.

Al-Haq's role internally greatly developed with Palestinian public officials coming to Al-Haq seeking input directly in addition to reacting to our criticism of their actions. This shows the strength of Al-Haq's reputation and the respect it commands at the internal level. Al-Haq has been willing to provide input in order to advise the actions of authorities, while at the same time confronting them when necessary.

In February 2010, Al-Haq delivered a letter Prime Minister Fayyad regarding human rights concerns in the West Bank and was promised action. Issues of concern were again raised with Dr. Fayyad later in May. The regular intervention and follow up has forced the PA to take note of our concerns and express their intentions to address them.

Although Al-Haq does not provide legal aid regarding individual cases, it does address individual cases when it feels that these cases may be part of broader policy of violations on issues such as torture, arbitrary detention, and dismissal from public service employment on political grounds. In 2010, Al-Haq intervened in **67** individual cases with the Preventive Security, General Intelligence, and Military Intelligence. which resulted in **15** persons being released. Al-Haq intervened in **8** cases of lack of implementation of judicial decisions being able to get **3** persons released. and the reaching of an understanding with the ministry of interior to allow surprise visits to detention facilities by Coalition against Torture. An additional **37** cases touched on the areas of dismissal from public service employment on political grounds, frozen finances, harassment and NGO interference. In the cases of NGO interference, Al-Haq obtained assurances that the inference would stop.

The new approach taken by Al-Haq to selectively intervene in individual cases while at the same raising broader issues publicly has led to an increased respect from the different branches of law enforcement with them regularly responding to our interventions without delay.

The individual complaints collected led us to conclude that the issue of most importance to focus on was the issue of arbitrary detention and the root cause behind it which is the use of the military judiciary for the detention of civilians by the various security services. This led Al-Haq to shift its strategy from working on four separate papers on internal issues to work in depth on the issue of the use of the military judiciary. Al-Haq will be releasing a study in early 2011 of over 100 pages challenging not only the use of military judiciary against civilians, but the legality of the military judiciary's authority to detain even security personnel. It is important to note that during the course of this research,

Al-Haq met on many occasions with representatives of the military judiciary to raise legal issues, for which they had no answers to, giving acknowledgement to the illegality of their actions and assurances that the issue would be brought up at higher political levels. This encouraged Al-Haq to push the issue further and complete the study.

Prior to beginning the study, Al-Haq held a workshop in April 2010 on the intervention of the military judiciary into civilian affairs and invited member from both the military judiciary and the civilian judiciary, as well as members of the Palestinian Bar Association, other governmental and non-governmental actors for an open discussion on the concerns of the overreaching use of the military judiciary. The unique nature of the workshop including a broad spectrum of participants allowed for an engaging day that allowed all parties to express their positions. This workshop provided a strong foundation of the various position empowering Al-Haq's ability to conduct this in-depth study.

Also, Al-Haq's work in the area of torture perpetrated by Palestinian law enforcement led the BBC-Arabic to request Al-Haq's participation in a special hour-long program in March 2010, entitled "Fact Finding Commission – Torture in Palestinian prisons."² Al-Haq's General Director and senior lawyer participated in the program.

On 25 August 2010, Al-Haq's documentation of the repression on peaceful assembly and freedom of expression led to two its staff members being injured by the security services involved in the repression along with having an Al-Haq camera confiscated. Al-Haq issued a press release condemning the repression and raised the alarm of a trend toward a 'police state'. The press release had a resounding impact, as other human rights organizations documented the event and several journalists called the office to interview the two employees. The backlash created resulted in the near absence (or at least overt presence and intervention) of PA police or Security Services presence at a protest concerning the PA's actions that took place later that week.³

The fear of an even worsening internal situation and the actions of Palestinian law enforcement led Al-Haq to raise its concerns to the European Union. As the process of discussing the new EU-PA action plan was being discussed, we felt it was an important opportunity to raise the issue and increase pressure on the PA to respect human rights and the rule of law. The letter called for the relations to be based on the principles of transparency and conditionality. In order for EU-PA relations to positively impact the human rights situation on the ground, there must be open and public dialogue amongst all relevant actors, including civil society, with regard to how human rights concerns are addressed in the framework of future discussions. Basing EU-PA relations on the latter's respect for international law actuates the PA's willingness to act in accordance with its human rights obligations.

The paper presented in September 2010 raised the main areas of concern and was supported by 12 Palestinian human rights organisation in the West Bank and Gaza. It received a very good response and led to a request for a meeting by Marc Otte, EU special representative for the Middle East peace process, with our colleague in Brussels. Mr. Otte followed up this meeting with a meeting with Palestinian human rights

² <http://www.youtube.com/watch?v=4iGHV5T-f2I>

³ <http://electronicintifada.net/v2/article11489.shtml> ,
<http://www.maannews.net/eng/ViewDetails.aspx?ID=310718%20>

organisation in Ramallah during his visit to the region. The meeting was hosted in Al-Haq's office with a video connection to Gaza.

OBJECTIVE 2

To contribute towards the respect for the rule of law and independence of the judiciary in the OPT (West Bank and Gaza)

One of the main challenges posed to the Palestinian respect for the rule of law came through the Goldstone report which required the Palestinian side to conduct an independent internal investigation into allegations raised in the report. Al-Haq supported the report in its entirety and pushed the Palestinian side to take the necessary steps in order to fulfill its obligations.

On 14 January 2010, a joint letter was sent in the name of Palestinian non-governmental organisations to the Palestinian Authority in the West Bank and the de facto government of Hamas in the Gaza Strip, urging both authorities to immediately commence internal investigations in compliance with General Assembly Resolution A/RES/64/10. The duplicate letters were sent separately, in both Arabic and English.

Once the PA commission was formed, Al-Haq was actively involved by advising the commission on the standards the commission needed to abide by while at the same time assisted the commission in pushing away external pressure by the Palestinian Authority that sought to undermine its independence. While we were unsuccessful in getting the de-facto government in Gaza to cooperate with the commission, thus limiting the commission's ability to conduct a comprehensive investigation, we were able to ensure that the investigation that was conducted complied with international standards and acted in an independent and impartial manner.

The Palestinian Independent Committee of Enquiry into the Goldstone Report' (the Committee) submitted its report to the Secretary General of the United Nations on 12th July 2010. The Committee, which comprised former judges and experts in international law, investigated the perpetration of violations of international law by the Palestinian Authority (P.A.) and the de facto Gaza government in connection with 'Operation Cast Lead'. The period under investigation was December 2008 until April 2009.

The Committee's investigations found evidence that the following violations have been committed by the P.A.: (i) arbitrary detention and torture by security forces, including the practice of subjecting civilians to the military court system, (ii) the restrictions placed on the work of NGOs and the freedom of the press, (iii) violations of the right to peaceful assembly, (iv) the dismissal of P.A. employees on the basis of their political orientation. The Committee also held that the de facto Gaza government had perpetrated unlawful killings, torture and arbitrary detention. The Committee was not able to investigate the factual circumstances related to the launch of rockets from the Gaza Strip into Israel due to impeded access to relevant information. However, it condemned and provided a comprehensive analysis of the legal implications of the illegal practice.

The Committee's findings on the violations of international law were entirely consistent with Al Haq's documentation and repeated calls to halt and investigate violations committed by both the P.A. and the de facto Gaza government.

Al-Haq's work in the area of Rule of Law, led the UNDP to request our participation in a Seminar held in March entitled. "Supporting the Rule of Law and Access to Justice in the occupied Palestinian territory". The feedback from the UNDP as well as participants was very good. After the Seminar, Al-Haq was invited to provide an additional workshop in May 2010 to staff of the UNPOS on legal terminology in international law and specifically international humanitarian law.

Another challenge to the rule of law in the OPT presented itself in mid-June, when the Palestinian municipal elections were postponed indefinitely through a decision by the Council of Ministers. Al-Haq and others saw this postponement as an act that undermined the foundation for the rule of law, which is the democratic process and civil participation. As a result, Al-Haq issued a legal analysis on the delay and decided to take the issue before the Palestinian judicial system, along with Addameer and JLAC. It is important to note the role core funding played with regard to Al-Haq's ability to react this incident. Al-Haq's own lawyer was able to start the compiling of the case without having to seek external consultation or seek separate project funding to be able to move on the issue. This allowed Al-Haq to immediately address a case of public interest based on its strong and sustainable core program at the same time saving additional funds that would have had to be paid to external lawyers needed to handle the cases. Some estimates from private lawyers for such a case were around \$30,000.

The case was filed in July 2010 before the Palestinian Supreme Court challenging the decision of the Palestinian Council of Ministers to postpone elections has been successful. Al-Haq, Addameer and the Jerusalem Legal Aid and Human Rights Center jointly filed the case against the Council of Ministers' decision on 10 June to postpone the local elections; originally scheduled for 17 July.

In December 2010, The Palestinian Supreme Court found the Council of Ministers' decision to postpone elections to an undefined date to be illegal under the Palestinian Basic Law and the Palestinian Local Councils Elections Law No. (10) of 2005. Under Article 26 of the Palestinian Basic Law, the Palestinian people have a right 'to vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the law.'

The Court also ruled that the Council of Ministers' decision was in breach of the Palestinian Local Council Elections Law No. (10) of 2005. Under Article 5, postponing local elections requires an application from the Palestinian Elections Committee, which can be presented only when the safety of the elections is at stake, or for technical impediments. The same law prohibits postponing the elections for a period longer than four weeks.

The Palestinian Supreme Court ruling effectively cancels the Council of Ministers' decision to postpone elections and requires them to promptly set a date for the local elections. This ruling represents an important contribution to affirm democratic rights in Palestine. Al-Haq commended the Palestinian Supreme Court for its genuine commitment in upholding the rule of law and justice as demonstrated in the decision.

An additional example of Al-Haq's ability to react to developments quickly came in the form of a press conference issued after attacks on UNRWA summer camps in Gaza as well as prevention of civil society organization activities. In a joint press conference held with the Palestinian Non-Governmental Organization Network (PNGO) on 24 May 2010,

Al-Haq's director, Shawan Jabarin condemned two recent attacks on civil society organizations in Gaza. The incidents constitute serious violations of Palestinians' human rights and highlight an alarming trend with respect to the growing atmosphere of intolerance and incitement perpetuated by extremist religious groups in the Occupied Palestinian Territory. The effects of this trend are of particular concern in the Gaza Strip, as they inflame an already tense situation arising from the continuing blockade and isolation of the people of Gaza.

OBJECTIVE 3

Integration of international human rights standards into Palestinian legislation and presidential decisions by law

Al-Haq's position in terms of legislation is that there needs to be an active and functioning Palestinian Legislative Council for the proper passage of legislation. That being said, Al-Haq recognises the current paralysis of the PLC while at the same time legislation is being formulated in the form of presidential decisions by law. These laws will impact the society, and Al-Haq feels that it must not sit idly by while laws in contravention of international human rights standards come into being. That is why, Al-Haq has taken the opportunities provide by input on any pending legislation with human rights implications both direct and indirect. The fact that Al-Haq is asked to provide such input despite its regular criticism of the PA is a testament to the respect Al-Haq has gained in the eyes of the PA.

Al-Haq was actively involved in the drafting committee of the Penal Code which was submitted in March 2010 to the Council of Ministers. Al-Haq drafted over 200 of the articles dealing with abuses against property and people. It is important to note that Al-Haq accepted being part of this drafting committee on the condition the punishment of the death penalty be removed, as well as the inclusion of gender equality, international crimes, and torture prohibition. The acceptance of the death penalty removal from the code marks a significant impact in the movement to abolish the death penalty. A movement Al-Haq has been actively involved in.

Later in the year, after discussions with the Council of Ministers and their comments, it was decided to form a small committee, of which Al-Haq was a member of, to meet with other Arab experts in Egypt to discuss the draft. This meeting in Egypt was held in November 2010. The consultations were positive, and the progressive nature of the draft was raised on numerous occasions and how difficult it would be for a similar code to pass in other parts of the Arab world. After the consultations, a final draft will be submitted to the Council of Ministers in early 2011, for hopefully final approval and submission to the President's office.

Al-Haq is also in the final phases of edits for the Palestinian Personal Status Law to be submitted in 2011 to the Prime Minister's Office to be distributed to the Council of Ministers.

Al-Haq has been involved in drafting a specific law prohibiting and criminalizing torture. Al-Haq has also advised and assisted in the drafting of an extradition and anti-corruption law as well as the creation of a legal framework for a National Institute of Forensic Medicine (NIFM) at the request of the PA. The selection to address the NIFM is a direct result of its work last year which included bringing an independent forensic doctor to

conduct the first ever secondary autopsy under the PA. The Anti-Corruption law was signed into law by the President in June 2010.⁴

The request by the PA of Al-Haq to participate in these developing legislations also indicates the impact that Al-Haq's interventions with regard to legislation have had. As opposed to moving through legislation and then having Al-Haq criticize it, the PA is asking for our input from the outset in order to ensure the starting positions are in line with international human rights standards.

At the request of the Union for Disabled Peoples Al-Haq provided training in April 2010 on the Palestinian Disability Law and how to advocate for its implementation.

Also in 2010, the PA developed the role of Advisory Councils of various ministries and Al-Haq was asked to be a member in many of these councils. Al-Haq felt this was an important mechanism to influence policy within the PA and joined three councils. These three are within the Ministry of Justice, the Ministry of Detainee and Ex-Detainee Affairs, and the Wall and Settlements Unit of the Prime Minister's Office.

OBJECTIVE 4

Provisions of the ICJ AO regarding the Annexation Wall are implemented

In March 2010, Al-Haq provided a presentation at a civil society meeting in Vienna organized by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People. The focus of the Meeting was civil society action against the Wall built by Israel in the Occupied West Bank, including in and around East Jerusalem. The Meeting provided civil society organizations with an update on the current situation with regard to the construction of the wall, discuss their role in raising public awareness about its effects, and allow them to inform about their current initiatives in that regard. The Meeting also highlighted the importance of upholding international law, including with respect to the Advisory Opinion of the International Court of Justice regarding the wall.

Al-Haq's presentation fell under the panel entitled "The importance of upholding international law, including with respect to the Advisory Opinion of the International Court of Justice regarding the wall." The presentation aimed to show that the wall was only one aspect of a long-standing Israeli plan. To counter the claim that the wall was being built for security reasons, we showed videos of Palestinians easily climbing over the barrier, and stressed that the wall's true purpose was the annexation of territory, transfer of the Palestinian population and demographic manipulation. Through additional video footage, we showed how the wall impacted the daily life of one family, one village and East Jerusalem as a whole, describing the clips as examples of passive forcible transfer -- creating a situation that forced people to leave, which was prohibited under the Fourth Geneva Convention and the Rome Statute of the International Criminal Court.

The presentation was very well received and feedback stressed the importance of the use of audiovisual material in illustrating the true nature of the wall and its impact.

Al-Haq was invited to by the Wall and Settlement Affairs Unit in July 2010 to mark the sixth anniversary of the ICJ Advisory Opinion at a public presentation. Al-Haq took the opportunity to raise its position regarding the need for better use of the opinion as both a

⁴ http://www.transparency.org/news_room/latest_news/press_releases_nc/2010/2010_06_28_palestine_law

legal and advocacy tool. Al-Haq was also invited to give a presentation in Bordeaux, France at the “Université d’Eté de la Solidarité Internationale” which was organised by the Centre de Recherches Informatique et Droit (CRID). Al-Haq’s representative in Europe was able to give the presentation which focused on the effects of the Wall on the rights of Palestinians in the OPT.

Al-Haq also conducted numerous field visits for visiting delegations highlighting the Wall among other issues. Delegations included, independent researchers, international organizations, and parliamentarians. We have found the strategy of field visits is the most effective way for people to understand the situation on the ground. Visitors have said that the visits gave them new perspectives and the ability to formulate more objective opinions.

OBJECTIVE 5

Adherence by the international community to its international legal obligations regarding East Jerusalem

On 12 January 2010 Israeli Prime Minister Benjamin Netanyahu declared that Israel would never ‘cede control of united Jerusalem nor retreat to the 1967 borders’. Since this assertion by Netanyahu that Israel would never end its military occupation of East Jerusalem and return to the 1967 Green Line, Israeli military forces have gradually increased restrictions on Palestinian residents of occupied East Jerusalem. Al-Haq has attempted to increase attention to the situation in East Jerusalem by using raising the issue with visiting delegations as well as through interventions at the EU and UN level.

A specific issue Al-Haq took on within the context of East Jerusalem in 2010 was the threatened forcible transfer of Jerusalem parliamentarians. These impending deportations are in keeping with Israel’s policy of forcibly transferring Palestinians from East Jerusalem. In addition to the revocation of Jerusalem ID cards, which effectively rescinds the right of permanent residency to Palestinian citizens of Jerusalem and denies them access to their city, Israeli polices have made living conditions for Palestinians in Jerusalem increasingly intolerable, causing many to leave.

Al-Haq saw the targeting of these four Jerusalem parliamentarians as symbolic of the targeting of all Palestinian Jerusalemites and took strong action in cooperation with Adalah to raise the issue. Al-Haq held a briefing for diplomats on the issue, issued a position paper on the matter, and also held a press conference covered by numerous Arabic media outlets. Al-Haq’s ability to react to this situation with force is another example of the strength of Al-Haq’s core program and its ability to shift from one are of focus to another depending on what the situation calls for.

Another example of the ability to react with strength to unplanned events is the response to Israeli Military Orders 1649 and 1650. Once the order was made public, Al-Haq hosted a meeting including Palestinian and Israeli human rights organizations, as well as other concerned individuals to discuss the Order’s potential impact and potential strategies to address it. Al-Haq issued a position paper on the Orders and jointly called for intervention on the part of the international community.

In an advocacy trip to the US, that took place less than two weeks after the Orders were made public, Al-Haq was able to utilize the position paper written as an advocacy tool for

explaining the potential impact of the Order and clarifying how important it was for the US to criticize these Orders.

Additionally Al-Haq was tasked with the coordination of meeting with the Palestinian Prime Minister to discuss the Orders. The meeting was held in May 2010 where assurances were made to challenge the Orders. In addition to discussing the Orders, Al-Haq took advantage of the meeting with the Prime Minister to also raise internal PA violations as well, specifically arbitrary detention, torture, and dismissal from public service employment for political purposes.

A major component of our UN advocacy work also focused on Jerusalem. In our submission to the Human Rights Committee on Israel's implementation of the International Covenant on Civil and Political Rights Al-Haq focused on the area of house demolition in East Jerusalem jointly with the Centre on Housing Rights and Evictions (COHRE). As a result of our report, the Committee noted the right to housing and water in its conclusions and addressed Israel's policies of house demolition, permits, and wells for Palestinians.

In October, Al-Haq released its report on East Jerusalem entitled "The Jerusalem Trap". The report seeks to highlight current issues and potential repercussions associated with Israeli annexationist policies in occupied East Jerusalem, particularly Israel's centre of life policy, the denial of family unification and the construction of the Annexation Wall. The report describes the serious effects of these policies on both Palestinians who hold West Bank and East Jerusalem identity cards, outlines the impending risks that Palestinians face with respect to unilateral changes Israel may make to the current municipal boundaries of occupied East Jerusalem and provides a legal analysis of the corresponding issues under international law.

GOAL 2: HOLD ACCOUNTABLE PERPETRATORS OF VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW COMMITTED IN THE OPT

OBJECTIVE 1

Perpetrators and accomplices of crimes committed in the Occupied Palestinian Territory (including Gaza and East Jerusalem) are held accountable before any viable judge, including civil courts.

As a result of the increased attention bought upon by judicial actions, Al-Haq has been much more subtle in its accountability work when involving specific cases in 2010. That being said, Al-Haq's activity on the accountability front has been greater than ever. Cases are being compiled involving corporations as well as individuals ranging from the attacks on Gaza to house demolition and the construction of the Wall and settlements.

On a more public level, Al-Haq's position paper on Issues Arising from the Palestinian Authority's Submission of a Declaration to the Prosecutor of the International Criminal Court under Article 12(3) of the Rome Statute which was issued in December of last year, has garnered a great deal of attention and has been central to the ongoing

international debate on the questions arising from the Palestinian Authority's engagement with the International Criminal Court.

The paper was one of nine papers annexed to 'Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements' and published by Office of the Prosecutor of the International Criminal Court on 3 May 2010. The remainder of the papers were submitted by the Palestinian Authority, the Arab League, and by academics and academic institutions. For a Palestinian NGO to be operating at such a high level indicates how effective the work of the Al-Haq has become and the important role that it can play. Due to the quality and impact of this paper our partner organisation FIDH invited Al-Haq to participate in the biennial Coalition of the ICC meeting with the staff of the ICC at The Hague in March 2010. At this meeting Al-Haq was the only Palestinian representative and we were given the opportunity to publicly and privately put our case to the Prosecutor and his staff.

The Impact of the paper continued to be felt later in the year when Al-Haq was once again invited to meet with the Office of the Prosecutor in the Hague as well as an invitation to a conference in Bellagio, Italy organized by the Hauser Center for Nonprofit Organizations - Harvard University.

Al-Haq and Palestinian Centre for Human Rights Gaza were the only two Palestinian organizations and played a complementary role in presenting the case of Palestine and the ICC from two different angles. Al-Haq contribution focused on the legal issues related to the competence of the Court from an international law point of view and on legal issues related to the competence of the PA on international crimes. The conference gave Al-Haq the opportunity of strengthening the dialogue with the OTP/ICC and the understanding of internal policies and operational decision of the Office of the Prosecutor. The latter benefitted from a more direct communication with Al-Haq in terms of gaining deeper understanding of the functioning of the Palestinian legal system and political institutions, including an update on the political environment in which their operate

Al-Haq was later asked to assist in organizing a workshop by the Coalition for the International Criminal Court on the issue of the Palestinian declaration in Ramallah, which was held in October 2010. The workshop was attended by members of both Palestinian and Israeli human rights organisation, international organisations, as well as the Palestinian Minister of Justice and a representative from Office of the Prosecutor from the ICC.

Following the issuance of an arrest warrant against former Israeli Foreign Minister and senior politician Tzipi Livni in the UK, a major discussion ensued regarding UK universal jurisdiction. Al-Haq quickly entered the discussion and issued a position paper on the threat to universal jurisdiction in the UK on January 25th 2010. Al-Haq also was contacted by numerous media outlets to discuss the issue and offer its insight.

On 31 May 2010, Al-Haq once again had to react to a new situation arising in the sea far off the coast of Gaza when Israeli naval ships attacked the Gaza bound humanitarian flotilla. Al-Haq wrote a press release signed onto by eight other Palestinian human rights organizations, as the Palestinian Human Rights Council. Al-Haq was once again contacted by media outlets for comments on the attacks. Understanding that this would not a be one-time occurrence, Al-Haq also took the initiative to issue a legal question

and answer briefing in order to provide assistance to those wishing to understand the international legal position relating to Israel's blockade of the Gaza Strip, and the recent attack on the Free Gaza Movement Flotilla, as well as to ships that are sent to the Gaza Strip in the future.

Through the support of special project outside of our core funding, in March 2010, Al-Haq instructed Dutch lawyers to submit a criminal complaint to the Dutch public prosecutor alleging that a Dutch company, Riwal, was complicit in the commission of war crimes and crimes against humanity through its construction of the Annexation Wall, 'the Wall,' and illegal settlements in the Occupied West Bank. The complaint was lodged as the result of months of investigations and the collection of documentation by Al-Haq and partner organisations on Riwal's activities in the Occupied Palestinian Territory (OPT).

On 13 October 2010, the Dutch National Crime Squad searched Riwal's offices in the Dutch town of Dordrecht, under their statutory powers of investigation. The Prosecutor's office is yet to decide whether it is possible to pursue the criminal complaint against Riwal; the Prosecutor's investigations are on-going. The case drew wide media coverage, but what was more interesting is the coverage it drew on industry websites and blogs. This is an added impact to simply challenge Riwal's actions, but also deterring other companies from engaging in similar activity.⁵

This special project reflects Al-Haq strategy to find specific funding for litigation actions that can be supported by groups that are particularly interested in such issues. Also, Al-Haq is developing its contacts with lawyers around the world that would be willing to assist in such cases with little to no cost.

As an impact of our work in the area of accountability, Al-Haq was invited to present at The Russell Tribunal on Palestine, held in London Nov. 20-21. The issue was focused on the question of corporate involvement in the occupation of the OPT. Given that this is an area of work of Al Haq, it was decided that it was necessary for Al-Haq to attend, in order to learn more about factual cases of corporate involvement (which could lead us in the future to take legal cases), and to network with others who are active in the field. The paper Al-Haq presented focused on settlement produce, due to Al Haq's interest in developing a robust legal position on the legality of settlement products. The paper presented was published on the Russell Tribunal website, and will be included in a book which is to be published by the Russell Tribunal, and the oral presentation appears on the website of the Tribunal. It is hoped that the research conducted on settlement produce, which this presentation was part of, will assist advocacy and legal strategies related to a ban or restriction of the trade by the EU and other international actors. It is also important to note that Al-Haq's previous cases in the UK were cited in the final document of the tribunal.⁶

OBJECTIVE 2

Israel is held accountable before the UN for its violations and crimes committed in the OPT.

⁵ <http://www.khl.com/magazines/access-international/detail/item58754/>
<http://www.vertikal.net/en/news/story/10961/>

⁶ <http://www.russelltribunalonpalestine.com/en/sessions/london-session/presentations>

While continuing to follow-up with the Report published by The United Nations Fact Finding Mission on the Gaza Conflict, Al-Haq has also been active in preparing for the UN Human Rights Committee meeting in July 2010 regarding Israel's violations and failed implementation of the International Covenant on Civil and Political Rights.

Al-Haq submitted two Alternative Reports to the Committee outlining serious concerns on violations of the Covenant committed in the OPT with the support of evidence, factual information and a legal analysis.

In Al-Haq's and the Centre on Housing Rights and Evictions (COHRE) joint Alternative Report, the organizations deal with house demolitions, forced evictions and safe water and sanitation in the OPT and Israel. This was an important success in joint work as well as lesson learned on how to best work jointly, by having each party bare responsibility for a particular portion and then discuss them together rather than have all parties working on everything.

In Al-Haq's second Alternative Report, Al-Haq addresses violations relating to Palestinians' right to freedom of movement. Furthermore, the report examines Israeli Military Orders 1649 and 1650, defining Palestinians in the West Bank as infiltrators, as well as the identification –and permit system which Israel has imposed on the Palestinian population. Finally, the illegal blockade on the Gaza Strip, an Israeli action amounting to collective punishment, was also found to amount to violations of the Covenant in the report.

Returning to the "Goldstone Report", Al-Haq has continued to push for the implementation of its recommendations. On 14 January 2010, a joint letter was sent in the name of Palestinian non-governmental organizations to the Palestinian Authority in the West Bank and the de facto government of Hamas in the Gaza Strip, urging both authorities to immediately commence internal investigations in compliance with General Assembly Resolution A/RES/64/10. The letter gained significant attention from local, Israeli and international media.⁷ Less than one month later, the PA had formed an internal commission of inquiry in an attempt to meet its obligations under the Report. Although Al-Haq pushed to have a joint committee made up of representatives from the West Bank and Gaza, we were unable to achieve this, despite the fact that representatives of the de facto government in the West Bank agreed to this in principle.

It has been evident that our work with respect to the Fact-Finding Mission and within the UN mechanisms has resulted in the increased cooperation between civil society and the PA. They tend to turn to Al-Haq on a broad spectrum of issues which relate to the UN and the Fact-Finding mission report for our view on things. In July, Al-Haq's representative in Brussels, met with the UN Committee of Independent Experts in International Law which was established to assess the stats of domestic investigations in relation to the Goldstone Report.

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http://news.bbc.co.uk/2/hi/middle_east/8465486.stm

<http://abcnews.go.com/International/wireStory?id=9590269>

<http://www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=126314791956>

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<http://www.haaretz.com/hasen/spages/1143330.html>

Al-Haq also attended the 13th, 14th and 15th sessions of the Human Rights Council in Geneva submitting oral and written interventions highlighting Israeli violations of religious freedom and freedom of movement in the 13th session, forcible transfer in the 14th session.

In the 15th Session Al-Haq jointly called for the immediate recourse to international justice mechanisms for victims of the Gaza conflict and the urgent adoption of concrete measures to end the illegal closure of the Gaza Strip. Al-Haq urged the Human Rights Council to expedite genuine justice for victims by calling upon both the General Assembly and the Security Council to endorse the findings of the Committee of Experts report on domestic investigations and to fully implement, without further delay, the recommendations of the Fact-Finding Mission's report on the Gaza Conflict.

In the September 2010, the UN Human Rights Council passed a resolution that accords further time for ineffective domestic investigations, thus effectively failing to pursue accountability for crimes committed during the Israeli offensive code-named "Operation Cast Lead." Al-Haq, along with a coalition of human rights organisations strongly condemned the decision of the Palestinian Authority (PA) to support the resolution and urged the PA to act as a genuine representative of Palestinian victims and not to sacrifice their rights on the altar of political expediency.

Al-Haq has also intensified its interaction with UN Special Rapporteurs meeting with the Special Rapporteur on Human Rights Defenders, Counter-Terrorism, as well as Richard Falk, the Special Rapporteur on the Situation of the Occupied Palestinian Territories since 1967. The meetings have been productive and Al-Haq's input was held in high regard.

Al-Haq also attended the annual meeting of UN special committee Special Committee to Investigate Israeli Practices in Amman. Al-Haq took the opportunity to raise the topics of Jerusalem and military orders regarding infiltrators. Al-Haq provided a written brief and oral presentation for the committee and received positive feedback in relation to the presentation.

In November 2010 Al-Haq, and the Women's Centre on Legal Aid and Counseling (WCLAC), with the endorsement of Al-Mezan Center for Human Rights, Addameer Prisoners' Support and Human Rights Association and Defence for Children International – Palestine Section, submitted an alternative report to the UN Committee on Economic Social and Cultural Rights (the Committee) highlighting Israel's failure to implement the obligations of the International Covenant on Economic, Social and Cultural rights in the OPT.

From 22 to 26 November, the Committee held its pre-sessional meeting in Geneva, where Al-Haq presented the report to its members. The issues raised in the report were intended to assist the Committee in its formation of the list of issues for the State Party's consideration. Israel is expected to address the list of issues in its State report, which will be considered by the Committee in November 2011. Many of the violations of economic, social and cultural rights documented in the report are substantiated by field documentation collected by Al-Haq and WCLAC, with particular focus on the following rights:

- Article 1 – The right to self-determination
- Article 2 – The applicability of the Covenant to the occupied Palestinian territory
- Article 2 – Non-discrimination and the right to a remedy
- Article 6 – The right to work
- Article 10 – The right to family life
- Article 11 – The right to an adequate standard of living
- Article 12 – The right to health
- Article 13 – The right to education

The presentation focused primarily on issues in the Seam Zone, housing, education and water. The committee members thanked us for coming and expressed their gratitude for our up-to-date input on the issues. The Committee released their List of Issues in December, and they have posed a number of questions to the State Party that came directly from the issues that we highlighted in our report and presentation.

During our meetings with the Committee, we learned that they are especially interested in issues concerning the right to water and sanitation, as they recently released a new general comment on this area. In our parallel report, which we plan to submit to the Committee before the session with Israel in November 2011, we will monitor this particular issue more carefully, in addition to other developments that take place during the year.

During the visit to Geneva, Al-Haq also took the opportunity to meet with the staff assistants for the Special Rapporteurs on Adequate Housing and Education, highlighting a number of recent related issues in the region. Al-Haq also met with the desk officers for Israel/OPT, who advised that they are seeking information to provide to the HC of human rights for her upcoming visit in February 2011. They said that the visit will focus on three main issues: Accountability, Self-determination, and Civil Society. They also asked us to provide them with recommendations that could be passed on to the HC. We plan to prepare two separate briefings on the issues of self-determination (recent demolitions and displacement in the Jordan Valley) and accountability (settler violence), which we will present to the HC before her visit.

In November 2010 Al-Haq also announced the publication of its new study, “Legitimising the Illegitimate? The Israeli High Court of Justice and the Occupied Palestinian Territory”, on selected jurisprudence of the Israeli High Court of Justice (HCJ). The research highlights the procedural and structural deficiencies of this judicial body and its often perverse application of international legal standards, which provide moral weight and legal justification to the illegal Israeli policies implemented in the Occupied Palestinian Territory (OPT).

Since the beginning of the occupation in 1967, the HCJ has been operating as the only local judicial forum for Palestinians whose human rights were violated by the Occupying Power, Israel, rendering its decisions under a veneer of judicial integrity and adherence to the rule of law. As the Israeli occupation continues well into his fifth decade, the proliferation of discourses on legality has become Israel’s most acclaimed tool for preserving its legitimacy, both locally and internationally.

In an examination of the Court’s work and role in perpetuating and legitimising Israel’s unlawful practices and policies in the OPT, the study presents an analysis of a number

of recent decisions relating to the Annexation Wall and the blockade of the Gaza Strip. It considers the problems and challenges embodied by the Court's role as a rubber-stamping tool of Israel's occupation as well as the place of the pyrrhic victories afforded from time to time to individual Palestinian petitioners.

For many years, human rights lawyers in the OPT and Israel have been asking themselves if continuing to petition the Court is a viable form of resistance against the occupation and an adequate way of ensuring the protection of the rights of the occupied population. Given the lack of any meaningful amelioration of the human rights situation in the OPT, this question has taken on a new urgency. The study concludes that after four decades of the HCJ's complicity with the oppression of the Palestinian people, the human rights community has to adopt a broader perspective and to engage with a new legal and tactical realism when litigating cases before this Court.

In keeping with our strategy to also hold international organisations accountable for their actions as well, Al-Haq in conjunction with 10 other Palestinian human rights organizations, produced a position paper on grievances of local NGOs with the UN humanitarian system in the OPT and highlighting the fact that a system based on addressing the symptoms of the occupation only serves to undermine human rights. After forwarding the paper on to the heads of UNSCO, OHCHR, and OCHA, we held a meeting with them to discuss the issues and possible recommendations for improvement to the system.

Prior to the meeting, a number of the representatives from the 10 HR organizations met to discuss a common position with respect to the meeting. We came to the consensus that we did not yet have anything solid to propose as an alternative to the system, and therefore would focus our efforts on requesting a formal response on whether the UN representatives agreed that the situation in the OPT is a human rights crisis, and not mainly a humanitarian crisis; and on how the UN agencies are planning to address some of the main problems identified both by the Palestinian Council of Human Rights Organisations (PCHRO) and the UN's own assessment of the humanitarian cluster approach.

The heads of all three UN agencies attended the meeting, which lasted for an hour and a half, and they seemed genuinely interested in our input. They answered our question, agreeing that the situation was a problem of human rights. The Head of UNSCO/HC/RC concluded that it may be useful of PCHRO to obtain a direct channel to UN Country Team, and promised that he would explore this option with the UN Country Team and get back to the PCHRO. The Head of OHCHR acknowledged that his office could do more and explicitly confirmed that OHCHR can operate independently and is not bound by the humanitarian framework of the HCT.

OBJECTIVE 3

Compel third-party states to prioritize international law, including international human rights and humanitarian law, in their relationships with Israel and the PA.

Since Al-Haq established a presence in Brussels in the fall of last year, its visibility in Europe has increased. Networking, information sharing, and traveling have led to Al-

Haq's work getting increasingly known, in Brussels and other European Capitals. While this is a positive outcome in and of itself, it has also led to Al-Haq being invited to numerous meetings, conferences and other speaking engagements throughout Europe. Al-Haq's increased visibility has also led to several European or Europe based organizations contacting Al-Haq for field information/updates and/or legal analysis.

In addition to Al-Haq being able to play a more active role in activities of the Euro-Mediterranean Human Rights Network, of which Al-Haq is an executive committee member, the presence of Al-Haq in Brussels also has also allowed for more regular engagement with decision makers and ability participate in panels and activities organised by various bodies within the EU. For example, Al-Haq's presence in Brussels was instrumental in allowing us to actively participate in the process of the adoption of European Parliament resolution on the Goldstone Report ahead of the UN Human Rights Council Session in March 2010. The Resolution was adopted on 25 February and included various elements of recommendation previously made by Al-Haq.

The presence in Brussels also allows for Al-Haq to more easily accept invitations to provide seminars or participate in conferences getting Al-Haq's message out more regularly, which allows for further impact. For example, after an advocacy trip, which also included Al Mezan, organized by a German organization Medico, the Goldstone Report was raised at the Human Rights Committee in the German Parliament. The trip has also resulted in regular requests for information from our colleague in Brussels and more regular communications.

Also, as a result of Al-Haq's presence, the message of Al-Haq is more accessible to European media outlets. Our colleague has been contacted several times in order to inquire Al-Haq's position and/or get a personal statement with about topics like (the EP resolution on the Goldstone report, the Flotilla attack, EU Council Conclusions etc). As a result, Al-Haq has been quoted in several articles. Most of these articles were taken up and (re-)published by several other NGOs and websites.⁸

Through Al-Haq's presence in Europe, we have been able to play a strong coordinating role for other Palestinian human rights organizations and represent a collective voice. Some examples include:

The deteriorating human rights situation in the Gaza Strip as a result of Israel's illegal closure policy led Al-Haq to draft and coordinate a joint letter signed by 13 Palestinian organizations, including two from inside Israel, that was sent to the EU Ministers of Foreign Affairs as well as EU High Representative Ashton ahead of their FAC Meeting on 26 July 2010. As we knew that Gaza was on the agenda of the EU FAC, we intended to channel a unified voice of Palestinian civil society to the EU, which would highlight the human rights dimension of the closure. The letter was thus also intended to challenge the "humanitarian" discourse as well as Israel's alleged intentions to "ease" the blockade.

⁸<http://www.ipsterraviva.net/UN/print.aspx?idnews=N7710>
<http://ipsnews.net/news.asp?idnews=49742>
<http://www.bilaterals.org/spip.php?article17014>;
http://www.kibush.co.il/show_file.asp?num=38796

The issuance of joint report mentioned earlier by Palestinian Civil Society urging the EU to base its relations with the Palestinian Authority on respect for human rights in view of ongoing EU-PA negotiations around the adoption of a new EU-PA Action Plan. The briefing outlined human rights violations relevant to the Action Plan and suggested concrete recommendations for EU action in order to address these issues in their negotiations. The report received positive feedback from civil society and EU institutions. Al-Haq was contacted by Amnesty International, Crisis action and representatives from the Commission and Parliament in Brussels. The report also led to a request for a meeting by Marc Otte, EU special representative for the Middle East peace process, with our colleague in Brussels who was also able to coordinate a meeting for him in Ramallah with some of the organizations that endorsed the report.

Some other examples of EU engagement include: during an advocacy mission to Paris our researcher had met with ACAT France (l'Action des chrétiens pour l'abolition de la torture, France). Since her return to Brussels, ACAT has contacted her on several separate occasions requesting information on issues relating to domestic investigations, individual cases of torture, prisoners and EU-Israel relations. Some of the information requests were based on interventions ACAT has prepared together with other France-based organisations, such as Amnesty International – France, la Ligue des droits de l'Homme et la Plateforme Palestine).

In October, The Friedrich Naumann Stiftung (FNS), a German Think Tank with an office in Brussels had invited members of Palestinian civil society (including NGOs, journalists, trade unions, universities) to Brussels to learn more about EU. Al-Haq was able to brief the FNS as well as the Palestinian participants on the positions of the EU and its member states regarding settlements, the Gaza blockade and East Jerusalem as well as on Al-Haq's EU advocacy efforts. Also discussed the challenges of and opportunities for advocacy targeting the EU.

In November, another German Think Tank, AK Nahost, invited Al-Haq to give a public talk about "Gaza, Goldstone and the EU" at the Arab-German Center for Cooperation and Dialogue in Berlin. During the same trip, Al-Haq took the opportunity to meet with an MP of the Human Rights Subcommittee of the Bundestag to raise the above mentioned issues as well as Germany's Foreign Office (including with the head of the Middle East Unit as well as the Palestine Desk) to reiterate our concerns about the human rights situation in the OPT, in particular with regards to the Gaza Strip. The points raised were based on the concerns we raised in the joint letter we sent to the EU ahead of the Foreign Affairs Council (July 2010) on behalf of the Palestinian Council of Human Rights Organisations.

While Al-Haq rarely takes up individual case to the EU level, the case of Firas Al-Maraghi, provided a unique opportunity to raise the issue of family unification and Jerusalem residency policies. Firas Al-Maraghi was on hunger strike opposite the Israeli embassy in Berlin, Germany. Firas, a Palestinian resident of occupied East Jerusalem who is married to a German national, was protesting a decision which was taken by the Israeli embassy to ban the couple's new-born daughter from being registered as a Jerusalem resident. The press release was intended not only to raise awareness about the individual case of Firas, but about the larger context of Israeli policies in East Jerusalem. Germany being one of our priority EU advocacy targets, we thought it would be important to raise this case with policy makers and journalists in Germany. After the release of this statement, Al-Haq was contacted by the German-

Palestinian Association for EU contacts and advised on how to proceed with EU advocacy efforts relating to Firas's case. We were later informed that Mr. Rupert Polenz, who is the head of the External Relations Sub Committee of the Bundestag (Germany's Parliament) agreed to accompany Firas to Jerusalem after he ended his hunger strike to help him follow up on his family unification file.

As an update to our case in the UK in the pursuit of holding States accountable as well, on 25 February 2010, the Court of Appeal of England and Wales denied Al-Haq's application for permission for judicial review. The Court's decision cannot be further appealed and the judgment therefore brings an end to the case. The court, in rejecting the claim, re-iterated the objections of the court of first instance. It held that the claim was non-justiciable because it concerned an examination of a foreign state's actions and of UK foreign policy. The proposition that the court should be entitled in principle to review the legality of executive decisions in this instance, was not satisfactorily addressed, nor was the assertion that UK foreign policy towards Israel is in fact unlawful.

The court essentially opted in favor of the principle that foreign policy is an area of 'forbidden territory' that is non-justiciable. Al-Haq maintains that this arbitrary approach of ring-fencing issues of illegality simply because the illegal policy is a foreign policy is unsustainable in an age in which customary international law (and therefore domestic law) clearly deems certain actions of states vis-à-vis other states unlawful. Thus, whilst states have a very wide discretion in the field of foreign policy not all foreign policies can and will be lawful; a foreign policy that entails the support of another states' peremptory breaches of international law is clearly unlawful, and the domestic courts must be able to scrutinize the unlawful activities of their own governments.

Al-Haq however continues to assert the validity of the legal principle on which claim was brought, and to advocate for third states - including the UK - to abide by their obligations under international law and to advocate for all states not to recognize as lawful or to aid or assist Israel's serious breaches of international law.

Al-Haq Library

We wanted to devote a special to section to our library this period because it has had three significant achievements in 2010 that deserve recognition. First, The Centre for Human Rights Documentation and Research (CHRDR) at the Columbia University selected the Al-Haq Library Catalogue for inclusion on the CHRDR Archives in order to promote online research for information from human rights organisations.⁹ The new archive provides the facility to navigate primary and secondary resources, as well as archival collections and internal records from human rights organisations, such as Amnesty International and Human Rights Watch.

Second, Al-Haq's library was added to the list of libraries included in the WorldCat system. WorldCat is a union catalog which itemizes the collections of 71,000 libraries in 112 countries.¹⁰ Third and likely most prestigious, the World Intellectual Property Organization (WIPO), selected Al-Haq's library as the avenue for dissemination of

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<http://clio.cul.columbia.edu:7018/vwebv/holdingsInfo?searchId=5528&recCount=50&recPointer=0&bibId=7038761>

¹⁰ http://www.worldcat.org/search?qt=worldcat_org_all&q=al-haq

development information in Palestine by means of its Depository Library Program. WIPO will supply Al-Haq's library with one copy of all new unrestricted WIPO publications free of charge and Al-Haq will maintain and classify the publications making them easily accessible to the public. This was formalized in an memorandum of understanding signed between WIPO and Al-Haq's library.

Deviations

The year has been a fulfilling and eventful year. Al-Haq implemented much of its planned activities for the year while at the same time implanting many unplanned activities as well. The only area that saw significant deviation from the planned activities, were the studies on national issues and their corresponding workshops, on civil society interference, and arbitrary detention, and Gaza. The reasons for these deviations are twofold, first Al-Haq was more actively involved in the Palestinian commission to investigate the Goldstone findings, which dealt with many of the issues we wanted to cover in separate studies, and second, Al-Haq felt that a more in-depth study on the use of the military judiciary would be more impactful than the smaller studies and would also address a root cause of internal PA violations. Al-Haq plans to still issue a series of smaller reports on the national issues in early 2011 as the material has already been gathered.

A main reason Al-Haq has been able to continue its work despite obstacles, is the dedication and flexibility of its staff to adjust to the circumstances presented. For example, our General Director is banned from traveling outside of the West Bank, while our colleague in Brussels, is banned from entering the West Bank on account of having a Gaza residency ID. Our use of technological advancement has meant that these obstacles, while physically difficult to overcome, can be overcome virtually and have even more impact.