



الهيئة الفلسطينية المستقلة  
لحقوق المواطنين

The Palestinian Independent Commission for Citizens' Rights

# The Palestinian Independent Commission For Citizens' Rights (PICCR)

Report Submitted to the  
Tenth Annual Meeting of the Asia Pacific Forum  
Of National Human Rights Institutions

24 – 26 August 2005

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Ulaanbaatar, Mongolia

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## 1. Introduction

Eleven years have lapsed since the establishment of **The Palestinian Independent Commission for Citizens' Rights** during which time it has undertaken various activities in the West Bank and Gaza strip including the publication of ten Annual Reports on the status of Palestinian citizens' rights; the issuance of a large number of legal and special reports and a wide distribution of its brochures and posters.

## 2. Legal Framework

The Palestinian Independent Commission for Citizen's Rights (**PICCR**) was established in 1993 upon a Presidential Decree issued by President Yasser Arafat, in his capacity as President of the State of Palestine and chairman of the Palestine Liberation Organization. The Decree was subsequently published in the Official Gazette in 1995. In accordance with the Decree, the duties and responsibilities of **PICCR** were set out as follows: *“to follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization meet the requirements for safeguarding human rights”*. The Decree entrusted **PICCR** with the drafting of its statutes in a manner that would ensure its independence and effectiveness.

Furthermore Article 31 of the Basic Law voted by the Palestinian Legislative Council (PLC) in 1997, ratified in 2002 and modified in 2003 provides that

*“An independent Commission for Human Rights shall be established by law, which shall specify its formation, duties and jurisdiction. The Commission shall submit its reports to the President of the National Authority and the Palestinian Legislative Council”*.

Such a law has not yet been passed by the PLC, but **PICCR**, through its internal bylaws, mission statement and its activities, has been clearly working on the basis of a firm commitment to the values of democracy and good governance, and respect for human rights when striving to achieve its mandate.

During the latter half of 2004, **PICCR** commenced work on a draft law which was submitted to the Palestinian Legislative Council (PLC) in May 2005 for discussion and approval. This draft law confirms **PICCR** as the National Human Rights Commission for Palestine with an Ombudsman function at its core. The law provides **PICCR** with a broad mandate in accordance with national and international norms. It gives **PICCR** the authority to deal with cases of human rights violations; complaints submitted by citizens related to maladministration, abuse of power and squandering of public funds; education and promotion; monitoring; and generally integrating human rights into Palestinian legislation and practices. The draft law empowers **PICCR** as well to take cases to the court and have access to information. In other words, the law defines the role of **PICCR** in protecting basic liberties and freedoms as prescribed in the Basic Law and international laws.

### 3. Historical Context

Throughout its eleven years of operation, **PICCR** has gone through several phases: establishment (1994-1996), consolidation and expansion (1997-2000), radical change after the start of the Intifada (2001), and adaptation and strengthening (2002-2005).

During the establishment period, the concept of the Ombudsman was introduced to officials and other concerned parties. Furthermore, **PICCR** succeeded in forming a Board of Commissioners, drafting its Statutes, opening its office in Jerusalem, mobilizing a core group of staff and funding sources, and publishing its first Annual Report in 1994.

Between 1997 and 2000, **PICCR** started to develop and grow. It benefited from moving its office from Jerusalem to Ramallah, which had become the centre of Palestinian political activity with the inception of the PNA and the establishment of its institutions. During this period, **PICCR** undertook a number of initiatives that substantially consolidated and expanded its activities: the Annual Report was issued on a regular basis, according to a set schedule, the Gaza Office was expanded, field workers were appointed, and a specialized legal library was established.

With the start of Al-Aqsa Intifada at the end of September 2000, Palestinian institutions and the conditions for promoting the rule of law and respect for human rights were seriously weakened. This in turn negatively affected **PICCR's** mandate and objectives.

With the Israeli reoccupation of Palestinian territories in 2002 and the subsequent destruction of PNA infrastructure, curfew and travel restrictions, these conditions intensified. The Israeli occupation and destruction of Palestinian Authority infrastructure limited its ability to effectively deliver services, maintain the rule of law and protect human rights. This diminished capacity has affected **PICCR's** work, as many core activities depend upon an effective and responsive Government partner. Israeli measures also directly hindered **PICCR's** operations and infrastructure, with the Ramallah office ransacked and its equipment destroyed, and **PICCR's** activities were cancelled and delayed due to curfew and travel restrictions.

In spite of the extremely difficult conditions during this period, **PICCR** continued its operations, and developed its activities and standing within Palestine. This has been facilitated by a three year Programme Document, which focused and structured **PICCR's** operations, and by a Memorandum of Understanding with like minded donors, which assured funding. In addition to the Programme Document and the MOU, a number of issues should be highlighted as contributing to **PICCR's** progress during this difficult period. The opening of two branch offices in Nablus (for the Northern West Bank) and Bethlehem (for the Southern West Bank) significantly improved **PICCR's** outreach. **PICCR** strengthened its relations with the PNA, with recommendations being discussed and adopted by the Cabinet and advice being sought from **PICCR**. This period also saw a focus on **PICCR's** external relations that resulted in acceptance into international fora of NHRIs and Ombudsmen, and **PICCR's** advice being sought by burgeoning National Human Rights Institutions (NHRIs) and

Ombudsmen in the Arab World. Finally, **PICCR** has undergone three external evaluations: of the complaints section, of the institutional capacity and of the organisation as a whole.

#### **4. Modes of Operation**

**PICCR** pursues its objectives in the following manner:

- Collecting and following-up complaints by citizens, individual or collective, related to maladministration, abuse of power and squandering of public funds by public and semi-public authorities that result in the violations of human rights.
- Reviewing Palestinian laws and draft laws to ensure that they conform with the Basic Law and with international standards of human rights.
- Following up on plans, policies and programs of public and semi-public institutions to ensure their compliance and respect for the human rights of the Palestinian citizens.
- Educating Palestinian citizens about their rights and freedoms and the mechanisms for their protection against violations.
- Publishing annual reports and special reports on the status of Palestinian citizens' rights and the violation of those rights by the Palestinian Authority, and on Israeli violations and how these violations impact on the performance of the PA and citizens' rights.

**PICCR** is managed by a Board of Commissioners with 17 members who represent the Palestinian people in various locations. They are persons of high integrity and authority in the Palestinian society, including prominent persons from the Diaspora. Emanating from the Board of Commissioners is an Executive Office that supervises the work and performance of **PICCR**, and is headed by the Commissioner General. The Commissioner General is the main point of address for **PICCR**. The Director General is directly responsible for managing the programs of **PICCR**, as well as the performance of the staff in the main offices as well as in the branches.

The main headquarters of **PICCR** is temporarily located in the city of Ramallah. There are also three branch offices in Gaza, Nablus and Bethlehem. **PICCR** intends to establish six more branches over the coming three years. **PICCR** presently has a team of 31 staff and intends to hire 11 more in 2005. **PICCR's** budget exceeds \$US 1 million. **PICCR** receives its funding from a number of donors committed to the values of democracy and the protection of human rights. Funding channeled to **PICCR** is unconditional and by no means affects its independence or its mandate. **PICCR** expects that the PNA will contribute to the budget, following the enactment of **PICCR's** enabling legislation.

#### **5. SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats)**

## Strengths

- **PICCR's** Board of Commissioners is constituted of well-known public figures with a strong and clear commitment to democracy and human rights. Both in their individual capacities and collectively, they bear substantial moral weight in Palestinian society, which has significantly strengthened **PICCR** and assisted its acceptance. Furthermore, the Commissioners represent different Palestinian social sectors and communities, whether inside or outside the territories occupied since 1967.
- As a result of its diligent professional activities for eleven years, **PICCR** has established its independence and standing in Palestinian society, before Palestinian public authorities, and among local and international NGOs working for the protection of human rights, as the National Human Rights Commission with an Ombudsman function.
- **PICCR's** Annual Report gives a balanced and comprehensive picture of the status of citizens' rights, of progress and setbacks, and of the outcome of evaluations of relevant institutions. The Annual Report is taken seriously by both official and non-official parties, particularly as it is submitted to the President of the PNA and to the Speaker of the Legislative Council, and discussed by the heads of public institutions. **PICCR's** Special and Legal Reports are also well-respected, with their recommendations discussed and often adopted by the relevant authorities.
- **PICCR's** distinct mandate of Ombudsman sets it apart from both NGOs and Government institutions.
- **PICCR's** stable and continuous programmes and activities, in spite of difficult circumstances, are an obvious strength. These have contributed to increased confidence on the part of officials and the wider public in the professionalism, independence and caliber of **PICCR's** work and performance. This is in addition to increased demand for **PICCR's** services, including legal and policy advice, and publications.

## Weaknesses

- **PICCR** currently lacks the legal enforcement power required for the implementation of its recommendations and conclusions by the relevant Palestinian public bodies/institutions, and the ability to litigate in serious cases. Such power of enforcement is also necessary to secure serious cooperation of all public and semi-public bodies/institutions with **PICCR**. Furthermore, without enabling legislation **PICCR's** position as the National Human Rights Commission is not completely ensured.
- The measures imposed by the Israeli occupation authorities to restrict movement have led to complete separation between the main office in Ramallah and the branch office in Gaza and made meetings between staff members from both offices, and also between Commissioners from the West Bank and the Gaza Strip, virtually impossible. In addition, there are no branch offices in most of the major cities of the West Bank and Gaza Strip.

- **PICCR** has no formal mechanism for monitoring and assessing the impact of its activities on Government institutions and the public. Currently **PICCR**'s assessments take the form of outlining activities and outputs with an emphasis on quantitative indicators, without also providing a qualitative analysis of how the activities contribute to the achievements of its objectives.

## **Opportunities**

- Regardless of the different scenarios about Palestinian political conditions during the coming three years, there is a clear and pressing need for continuing and developing the work of **PICCR**. There is local, regional and international concern for democracy, and for the cause of human rights, and for supporting institutions devoted to monitoring the performance of public authorities and upholding the principles and values of good governance. Such a global interest creates many opportunities for training, joint action and the exchange of expertise.

- A number of conditions make it an excellent time to present **PICCR**'s draft law to the PLC. A number of international and regional organizations, as well as other NHRIs and Ombudsmen actively support **PICCR** and its work. Members of the PLC also regularly encourage **PICCR** to develop and submit its legislation. Finally, the current priority being given to the Palestinian reform agenda will add momentum to the passage of **PICCR**'s law.

- Although continued Israeli violations and the weakening of Palestinian institutions represent an obstacle to **PICCR**'s work, they also provide an important opportunity. These conditions will make it imperative that **PICCR** monitors and warns against contraventions of human rights by Government institutions, in particular security agencies, but also by those parties that place themselves above the law. **PICCR** can also participate in the education process to create a democratic political culture based on a respect for human rights.

- In the event that progress is made to establish an independent Palestinian state, there would be a real opportunity before **PICCR**, as the National Human Rights Commission, to participate in building democratic and transparent state institutions, as well as instilling a commitment to human rights, the rule of law, and equality within the society as a whole.

## **Threats**

- The PLC or Executive will not pass the law or will split **PICCR**'s dual function of Ombudsman and National Human Rights Commission.

- Lack of a clear and definitive Palestinian commitment to democracy as a form of government and social organization.

- Danger of continued escalation of Israeli repression, that could lead to the division of the occupied territories into cantons separated from each other. This situation would paralyze the functioning of

already weakened public institutions, threaten the development of a human rights culture, obstruct the holding of elections for the Legislative Council and local authorities, and hamper the reform process. As **PICCR**'s activities depend on the existence of all these factors, a continuance and worsening of the current situation will seriously stymie its work.

- Danger that non-democratic forces may gain weight inside Palestinian society on the one hand, and that Palestinian society will become militarized on the other. The vision and practices of fundamentalist and extremist groups are not democratic, and will hinder any genuine democratic process, social change, and human rights respect. In addition, and as a direct result of this phenomenon, the Palestinian society has become more militarized.

All these threats, taken individually or collectively, will bear directly on the work of the **PICCR**, and the degree to which it can achieve its declared objectives. There are extreme difficulties in identifying what path the events may take. However, uncertainty over predicting the course of events in Palestine does not in any way absolve **PICCR** from the task of putting in place and seeking to achieve its objectives, and from seizing upon the various opportunities outlined above.

## **6. New Directions**

From the above analysis, it is clear that **PICCR** faces a number of internal and external challenges. Severe measures by the Israeli authorities, a lack of commitment of the Palestinian Authority to promote democracy, the rule of law, and institutional reform, and the increasing threat of conservative forces within the Palestinian society, establish a strong rationale for **PICCR** to continue its work, especially if it succeeds in obtaining a mandate as National Human Rights Commission and Ombudsman. In order to address these external challenges, **PICCR** must also confront a number of internal problems, which include establishing an effective monitoring and impact assessment system, activating the role of the Commissioners and improving internal communication and synergy. These challenges establish a strong rationale to focus on capacity building and institutional development, as significant components of **PICCR**'s comprehensive strategy.

In the programme document for the period (2005-2007), three factors have been highlighted as significant to **PICCR**'s direction. The draft enabling legislation, which will formalise **PICCR**'s position within the Palestinian society, has already been submitted to the PLC for discussion and ratification. This will lead to significant changes within **PICCR**'s operations over the coming period since a full-time Commissioner General and probably other full-time or part time Commissioners start working in the organisation. Secondly, as a reflection of the scope of its current activities and its national and international recognition, **PICCR** has defined its role as a National Human Rights Commission with an Ombudsman function. This definition will serve to focus **PICCR**'s operations over the coming period. Finally, the three evaluations mentioned above have highlighted important areas for improvement in the administration and management of **PICCR** and have provided valuable recommendations which will guide the organisation's development **over the coming three years.**

## 7. The Implementing Strategy

In order to improve **PICCR's** performance and effectiveness, the following measures have been adopted for the coming three years (2005 – 2007):-

- The strategic plan (2005 – 2007), the logical framework and the annual plan should be looked at as essential components to guarantee synergy among the various programming areas. These documents have been built and developed, according to sequential relationships and linkage based on a unified vision.
- The **PICCR** will stick to its mandate and will not conduct other activities outside its mandate to ensure focus and impact.
- A complaints manual will be developed to guarantee a systematic approach to complaints handling. At the same time, there will be greater emphasis on **PICCR's** initiated investigations of collective human rights violations.
- The data base will be developed to guarantee a systematic flow of information and proper documentation.
- **PICCR's** outreach policy will be promoted through the opening of six new offices in different geographical areas and the strengthening of existing areas so as to increase the accessibility of citizens to **PICCR**.
- **PICCR** will develop its media and promotional strategy to reach different segments of the local community in different regions.
- **PICCR** will expand its training capacity by adopting and implementing "Best Training Practices".
- In relation to policy development and policy analysis, **PICCR's** programme document proposes various advocacy and lobbying activities.
- Outreach and networking programme will be developed to guarantee an effective and efficient public education programme, through outsourcing different specialized human resources and expertise from other local, regional and international NGOs.
- **PICCR** will adopt an integrated strategy in capacity building, incorporating three components: Institutional Development, Organizational Development and Human Resource Development.
- The implementation of these activities will be guaranteed through the development of an effective monitoring and impact assessment system.

## **8. Strategic Goals and Specific Objectives (Programme Document - 2005-2007)**

### **Mission Statement**

Out of a firm commitment to the values of democracy and good governance, and all that entails in terms of respect for equal rights and freedoms for all citizens, consolidation of the rule of law and equality before the law, separation of the three main powers, non-discrimination, free, regular and fair elections, and accountability and transparency, **PICCR**, in its capacity as the Palestinian Ombudsman and National Human Rights Commission, shall follow-up and ensure that all requirements to safeguard human rights are provided for in the various Palestinian laws and legislation, and in the work of the various departments, agencies and institutions of the Palestinian National Authority. The **PICCR's** mandate is wide in that it deals with cases of human rights violations; complaints submitted by citizens related to maladministration, abuse of power and squandering of public funds; education and promotion; monitoring; and generally integrating human rights into Palestinian Legislation and practices.

### **Strategic Goals**

- To follow-up and ensure that different Palestinian laws, by laws and regulations, and the work of various departments, agencies and institutions of the PA meet the requirements for safe guarding human rights.
- To advance human rights in the Palestinian political culture and to entrench the rule of law and the advancement of human rights by the Palestinian Authority.

### **Specific Objectives**

- To consolidate and strengthen the role of **PICCR** as Ombudsman and National Human Rights Commission (NHRC) in the Palestinian society.
- To handle and process complaints submitted by citizens related to maladministration, abuse of power and squandering of public funds by public and semi- public authorities that result in the violation of human rights.
- To promote the legal and human rights principles among the various segments of the Palestinian society, and to educate Palestinian citizens about their rights and freedoms and the mechanisms for their protection against violation.
- To review the Palestinian laws and draft laws to ensure that they conform to international standards and principles of human rights.

- To expand and upgrade **PICCR's** institutional, organizational and operational capacity to adhere effectively and efficiently to its mandate and responsibilities.
- To enhance and promote **PICCR's** relations and partnerships with various similar and related institutions at the local, regional and international levels.

## **9. Major Achievements**

### **• The Annual Report**

The Annual Report occupies a prominent position in the work of **PICCR**, and it has developed into the definitive document on the status of citizens' rights, the rule of Law, good governance, and the separation of powers in Palestine.

In 2004, **PICCR** published its tenth Annual Report. It covers an analysis of the legal and political contexts in which human rights are exercised in Palestine, and an assessment of the performance of the three branches of government. This assessment looks at legal developments in each and notes trends in their practices and interrelations. Recommendations are made for improving their performance regarding separation of powers, the rule of law, respect for citizens' rights and good governance. The Annual Report goes on to report **PICCR's** activities regarding the PNA's violations, and classifies them according to type and source. Finally, it examines Israeli violations of the rights of Palestinians in the territories occupied since 1967. While pursuing such violations falls outside **PICCR's** mandate, it is recognized that the occupation is not only in itself the primary cause for the violations of Palestinians' rights, but it also impacts on the performance of the three branches of government.

The Annual Report is submitted to the President and the Speaker of the Palestinian Legislative Council (PLC) and then launched in a high profile public event. The Report itself is a public document and is available in Arabic and English, in both electronic and hard form. For this year, the Executive Summary has been published in a separate booklet as well.

### **• Legal Reports**

The legal reports are monographs directed at a fairly specialized audience and are authored both by **PICCR** legal staff and by commissioned external researchers. These reports and studies are intended to enrich the Palestinian and Arab legal and judicial libraries, and to educate concerned readers, whether academics, legislators, lawyers, journalists or other professionals. Some of the legal Reports are produced in response to pressing policy issues, while others are designed to fill a gap in the Palestinian Legal Literature.

The following Legal Reports have been published in 2004 – 2005:

#### **1. Concession Contracts:**

The Case of the Palestinian Tele – Communications Company

2. Defining the Relationship between National Human Rights Institutions and the United Nations Human Rights System.
3. The Advisory Opinion of the International Court of Justice on the Construction of the Separation Wall in the Occupied Palestinian Territory
4. Jurisdictions of the Police
5. The Supreme Constitutional Court Report
6. The Legal Concept of "Fees".

### • Legal Reviews

In accordance with the presidential decree that established it, **PICCR** specializes in the review of Palestinian Laws and draft bills to ensure their compliance with international human rights standards. **PICCR** monitors the draft laws reviewed by the PLC, and seeks to influence the PLC during its numerous readings of these bills. This is in addition to studying operative laws and identifying loop – holes in them, and issuing recommendations for amending or annulling them. **PICCR** also monitors the process of issuing regulations and by – laws passed by the PLC.

The method that **PICCR** employs in monitoring laws vary, including the preparation of legal memoranda on specific laws or bills, holding workshops or meetings of experts to discuss laws, preparing legal studies on bills and operative laws, and participating in the hearings of PLC committees on draft laws. **PICCR's** workshops are highly successful, being attended by a big audience of prominent legislators, Human Rights activists, professionals, policy – makers and legal experts. In all cases, **PICCR's** concern is to ensure the harmonization of national laws on the one hand, and their compliance with international human rights standards on the other.

Following are, some of the legal review reports / memoranda issued by **PICCR** in 2004 – 2005:

1. Right to Information
2. Penal Justice for Juveniles: Reality and Aspirations
3. The Right to Form Trade Unions
4. Social Security Law
5. Law on the Rights of the Disabled
6. Judicial Laws
  - Formation of Regular Courts Law No. 5 of 2001
  - The Civil and Commercial Courts Code law No. 2 of 2001
  - Evidence in Civil and Commercial Articles Law No. 4 of 2001.
7. Secondary Legislation (By – Laws)
  - Regulating the Work of Local Radio and Television Stations
  - Martyrs' Fund Draft Law
  - Legislative Concordance between the Basic Law and Regular Laws.

### • Special Reports

The guiding idea behind issuing special reports is raising public issues, which adversely affect citizens' rights on the one hand, and evaluating the performance of the relevant public authority or authorities on the other. Each special report ends with a set of conclusions and recommendations for rectifying the situation described or analyzed. For this reason, special reports are intimately linked to the work of **PICCR** as they complement the Annual Report and consolidate the Complaints Unit. So far **PICCR** has published 34 special reports. These Reports continue to receive extensive press coverage, with requests for copies, interviews or presentations from different parties ranging from the President's Office to high school students and many others in between. Reports are distributed widely where **PICCR** feels they are needed and would make the strongest impact.

The following Special Reports have been issued in 2004 – 2005:

1. Referral of Medical Cases to Private Health Care Providers.
2. The Role of Security Agencies in Public Employment
3. Ill – Treatment of Detainees in Police Holding Facilities in the Northern West Bank.
4. Price Discrepancies in Electricity in PNA Areas
5. "Disappearances" Following Arrest or Kidnapping in PNA Areas.
6. The Crisis in Drinking water in PNA Areas.
7. Production, Marketing and Consumption of Pharmaceuticals in PNA Areas.
8. Readiness and Qualification of Reform (Detention) Centers in PNA Areas.
9. Report on the PNA Presidential Elections (January 9, 2005)
10. Report on Local government Elections.

#### • **Public Awareness Raising**

The purpose of **PICCR**'s various public awareness activities is two – fold: first to raise awareness among the citizenry of their rights, and by extension to increase respect for these rights, and second to raise awareness of the role of **PICCR** as a mechanism for their safe – guarding and realization .To achieve these two main ends, a myriad of activities is undertaken.:

#### **Media Activities**

Newspaper advertisements relating to various rights as contained in national and international law are placed regularly in three national dailies. A regular fortnightly column appears in two local dailies giving more depth and focus to the advertisements as well as giving a human rights perspective on current events. **PICCR** also makes use of radio and television for broadcasting a number of reports and talk shows.

#### **Promotional Items**

Another tool employed to reach the public is the use of promotional materials containing excerpts from relevant human rights literature. Examples include desk and wall calendars, posters, and brochures that go in some depth into certain principles and procedures such as the rule of law, the rights of the child, prohibition against torture and ill – treatment, the rights of prisoners and detainees, the rules governing the use of firearms, and the economic, social and democratic rights of citizens.

### **The Palestinian Human Rights Quarterly**

**PICCR** publishes four issues of the Palestinian Human Rights Quarterly. 2004 – 2005 issues focus on the status of citizens' rights, rule of law, security lapses, the situation of the judicial branch, and the local government and presidential elections, along with other investigations and press articles prepared by **PICCR** lawyers and researchers as well as by outside journalist and legalists.

### **Training**

**PICCR** has developed an impressive track record in training. The courses are of three types; short term human rights education courses (15 hours' duration); specialized training courses (45 hours' duration); and training the trainers' courses. **PICCR's** training activities target law enforcement officials (civil police, preventive security, general intelligence), lawyers, school teachers, journalists, social workers, health – care providers and other civil servants (public institutions and ministries' employees, local government staff ets).

In 2004, 40 training courses were offered covering 860 participants.

#### **• Handling of Complaints**

For the eleventh consecutive year, **PICCR** followed up on citizens' complaints related to human rights violations and assaults on public freedoms committed by public agencies and institutions in the Palestinian territories. **PICCR** follows up on received complaints with the relevant Palestinian agencies and provides the necessary guidance and legal consultation for complainants with regard to the measures that must be taken and the agencies that must be reviewed in order to eradicate such violations and address their lingering effects.

**PICCR** is not tied to rigid rules in following these activities. It follows clear, flexible, and objective methods through which it attempts to reach optimal results in its treatment of violations and protection of citizens' rights.

The complaints that **PICCR** receives and follows are an important indicator of the status of citizen's rights in the territories of the PA. **PICCR's** annual report addresses the rights violated during that year, the agencies responsible for those violations, and the extent of cooperation these agencies showed in halting those violations and bringing their perpetrators to justice.

During 2004, **PICCR** received 597 complaints. The complaints received against civil institutions, including the ministries, the Office of the Attorney General, and public institutions constituted around 58 percent of the total complaints. The complaints received against security agencies, including Preventive Security, General Intelligence, Military Intelligence, National Security, the Political Directive, the Police, the Military Judiciary and the Presidential Guards (Force 17), constituted around 41 percent of the total complaints.

Most of the violations followed by **PICCR** in 2004 (based on the complaints received) were violations of the right to fair legal proceedings. These included arbitrary detention with no compensation, arrest

on the basis of political background, violation of the right to family or lawyer visits, violation of the right to medical care within detention centers or prisons, and separation and transfer of prisoners. Following these were violations of citizens' rights to personal security, including torture (during detention); harsh, inhumane, and degrading treatment (during detention); and violence and physical or psychological pressure. Next in order of number, were violations of the right to obtain services, the right to resort to an independent, fair, and specialized court; the freedom of opinion and expression; the right to work; and the rights of persons with disabilities.

During 2004, 352 out of 517 complaints were closed, leaving 165 complaints still open. **PICCR** closed 68 percent of all followed complaints.

During 2004, **PICCR** sent 694 letters to parties complained against or parties concerned and received 297 written responses.

During 2004, **PICCR** made 156 visits to reform and rehabilitation centers and detention centers run by the security agencies to ensure that the administrations of those centers honor local laws and international charters.

The attached table shows the types and number of violations complained about to **PICCR** during 2004.

**Types and number of violations complained about to PICCR during 2004**

	<b>Right Violated/Type of Violation</b>	<b>Number of Violations</b>	<b>Status Open</b>	<b>Closed without Cooperation</b>	<b>Closed with Cooperation and with Satisfactory Results</b>	<b>Closed with Cooperation but without Satisfactory Results</b>
1.	<b>Right to life</b>					
a.	Death under ambiguous circumstances	2	0	0	1	1
b.	Death due to misuse of firearms	2	1	0	1	0
c.	Murder due to abuse of position (with PA weapons and in uniform)	1	1	0	0	0
d.	Death due to negligence/ mal practice	1	1	0	0	0
2.	<b>Right to protection from forced disappearance</b>	7	6	1	0	0
3.	<b>Right to resort to independent, fair, specialized court</b>	1	1	0	0	0
4.	<b>Right to fair legal proceedings</b>					
a.	Arbitrary arrest					
i.	Detention without arrest warrant	36	7	6	12	11
ii.	Detention without charge sheet	35	7	5	12	11
iii.	False or spurious charges	35	7	5	12	11
iv.	Detention without bringing the accused before the public prosecutor or conciliation judge	38	10	7	10	11
v.	Detention without trial	37	11	5	10	11
b.	Without compensation for arbitrary arrest	1	1	0	0	0
c.	Arrest for political affiliation	3	0	2	1	0

	<b>Right Violated/Type of Violation</b>	<b>Number of Violations</b>	<b>Status Open</b>	<b>Closed without Cooperation</b>	<b>Closed with Cooperation and with Satisfactory Results</b>	<b>Closed with Cooperation but without Satisfactory Results</b>
d.	Violation of right to family and lawyer visits	7	2	0	5	0
e.	Violation of right to medical care in prisons and detention centers	19	6	2	9	2
f.	Right to presume innocence until proven guilty	2	1	1	0	0
g.	Separating and transferring prisoners	3	0	0	2	1
5.	<b>Failure to honor judicial rulings</b>	7	1	2	3	1
6.	<b>Right to personal security</b>					
a.	Torture (during detention)	20	13	1	4	2
b.	Harsh, inhumane and degrading treatment (during detention)	77	21	21	7	28
c.	Violence or physical or psychological pressure	19	12	1	6	0
7.	<b>Right to travel, transport, and residence</b>	6	5	0	0	1
8.	<b>Right to expression</b>	2	0	2	0	0
9.	<b>Right to form and join organizations and professional syndicates</b>	5	3	0	1	1
10.	<b>Right to hold public posts</b>					
a.	Violating principle of fair competition in employment	23	9	2	9	3
b.	Violation of rights of public employees	73	28	12	28	5
c.	Arbitrary dismissal	14	6	1	4	3

	<b>Right Violated/Type of Violation</b>	<b>Number of Violations</b>	<b>Status Open</b>	<b>Closed without Cooperation</b>	<b>Closed with Cooperation and with Satisfactory Results</b>	<b>Closed with Cooperation but without Satisfactory Results</b>
11.	<b>Right to work</b>	1	1	0	0	0
12.	<b>Right to social insurance</b>	9	2	0	7	0
13.	<b>Right to health care</b>					
a.	Right to obtain medical services without discrimination	27	4	6	13	4
b.	Liability for mal-practice	17	6	2	8	1
c.	Public health	3	1	0	1	1
14.	<b>Right to a clean environment</b>	7	1	3	2	1
15.	<b>Right to education</b>	7	2	0	5	0
16.	<b>Right to obtain public services</b>	81	28	17	29	7
17.	<b>Abuse of power</b>	39	12	8	15	4
18.	<b>Abuse of position</b>	11	2	3	6	0
19.	<b>Failure to obtain official documents in compliance with the law</b>	6	0	1	5	0
20.	<b>Assaults on economic rights</b>	10	2	4	2	2
21.	<b>Failure to hold law offenders accountable</b>	6	0	0	3	3
22.	<b>Rights of the disabled</b>	2	1	0	1	0
	<b>Total</b>	702	222	120	234	126

\* This is the total number of violations included within the 517 complaints received and followed up by **PICCR** during 2004. Each complaint can cover more than one type of violation.

- **Capacity Building**

The APF has developed a program of institutional building activities aimed at strengthening **PICCR**. The project extends over a period of 28 month. (August 2003 – December 2005) and has two main components. One, representatives from **PICCR** attend APF annual meetings and APF thematic workshops, and two, the APF provides advisory and capacity building services to **PICCR**, covering technical training, staff exchanges to APF institutions, a study tour. of regional NHRIs, and legislative review and drafting assistance.

The following two activities took place in 2005:

1. The regional study tour to New Zealand and Malaysia was undertaken by the Commissioner General and the Director General of **PICCR** during the period February 13 – 23, 2005, The visit to NZHRC was quite comprehensive and it provided the **PICCR** representatives with an excellent opportunity to learn from one of the most experienced NHRIs. The visit to the Human Rights Commission of Malaysia (SUHAKAM) provided a valuable opportunity to meet with an institution which is working within an Islamic context and to discuss issues surrounding the intersection of Islamic law and human rights law.
2. The Disputes Resolution team of the New Zealand Human rights Commission (NZHRC) hosted the placement of **PICCR** Complaints Coordinator and a Field worker from 10 – 24 March 2005. The aim of the placement was to enhance the capability of the two staff members in complaints handling and management and to further assist in the development of the complaints manual. The visit was built on a previous staff exchange between NZHRC and **PICCR** in which Mr. Mervin Singham, former Chief Mediator, worked with **PICCR** on the processes and a manual. The visit was extremely successful in terms of the comprehensive nature of the work covered and both staff members engaged totally with the programme and with the commission over the time they were there. They had the opportunity to improve their English Language competencies whether through actual classroom tuition or through constant exposure to native speakers of the language. It is expected that the "Complaints Manual" will be completed before the end of 2005.

During the period March 28 – April 8, 2005, the Head of Research and Policy Department attended the Geneva Training Course sponsored by The Geneva Institute for Human Rights (GIHR) and the Education and Training Program (ETP) of the International Service for Human Rights (ISHR). The training course on International Human Rights Law and Diplomacy aimed at providing human rights defenders with the knowledge and skills to make effective use of international human rights mechanisms.

International Institute of Human Rights in Strasbourg, France, 36<sup>th</sup> session 4 – 29/7/2005

One of **PICCR**'s lawyers attended the 36<sup>th</sup> session of the International Institute of Human Rights in Strasbourg, France. During the period July 4 – 29, 2005. The training session covered human rights conventions, the International Humanitarian Law and mechanisms for appeal.