



The Independent Commission for Human Rights



Monthly Report on Violations of Human Rights and Public Freedoms In the Palestinian-controlled Territory September 2010

This monthly report highlights major human rights violations as monitored and documented by the Independent Commission for Human Rights (ICHR) throughout the Palestinian-Controlled Territory during the month of September, 2010.

Based on ongoing monitoring and documentation of violations of human rights and public freedoms during the month of September 2010, ICHR concludes the following:

1. Several death cases occurred due to different reasons including family disputes and negligence of public safety measures. Some of these cases happened under mysterious circumstances.
2. Torture of detainees continues in the Gaza Strip and the West Bank, as indicated by detainees' claims and complaints submitted to ICHR.
3. Detention of persons without regard to due process and conditions of the Basic Law and the Criminal Procedural Code in both the Gaza Strip and the West Bank continues.
4. Non-implementation or procrastination of the courts' decisions where the cases that receive release decisions are referred to the Military Judiciary to be sentenced again.
5. Attacks on public freedoms, freedom of some members of the PLC and peaceful assemblies
6. The Ministry of Interior in Ramallah continues to deny issuance of passports to the citizens living under the control of the Deposed government in the Gaza Strip.

Below is a detailed description of the aforementioned violations:

I. Violation of the Right to Life and Physical Safety

ICHR monitored 8 death cases during September in the Palestinian Controlled Territory (PCT) including 3 in the Gaza Strip and 5 in the West Bank. As for the cause of death, these cases were distributed as follows: Four cases were due to clans' disputes and manslaughter including 3 cases in the West Bank, 1 case in the Gaza Strip and another one under mysterious conditions in the West Bank. Two cases occurred due to negligence and lack of public safety measures. The first occurred in the Gaza Strip and the other in the West Bank. Finally, one death case was tunnel-related.

The following provides more details on the death toll during the month of September:

1. Deaths due to clan disputes and manslaughter:

ICHR monitored during the period covered by this report four death cases which occurred due to clans' disputes and manslaughter including three in the West Bank and one in the Gaza Strip. These cases were distributed as follows:

أُنشئت الهيئة المستقلة لحقوق الإنسان بموجب مرسوم رئاسي رقم (59) عام 1993، والمادة (31) من القانون الأساسي المعدل الفلسطيني لعام 2003

المقر الرئيسي - مكتب الوسط - رام الله : هاتف: 2986958 / 2960241 / 2987536 ، ص.ب. 2264 ، فاكس: 2987211 972 2

مكتب الشمال : هاتف: 972 9 2335668 فاكس: 972 292366408

مكتب الجنوب : هاتف: 972 2 2750549 ، فاكس: 0097222295443 / 0097222211120

مكتب غزة : هاتف: 0097282824438 فاكس: 0097282845019

- On September 3, 2010, **Mustafa Salamah Al-Kara, 58**, from the city of Bani Sahila in the Gaza Strip died after sustaining multiple stab wounds to the chest. According to the information of ICHR, Mustafa was stabbed with a knife during a clan dispute. The police arrived at the scene and arrested some suspects for investigation with regard to the incident.
- On September 3, 2010, **Yousif Ezat Omar, 63**, from the village of Jarushia in the vicinity of Tulkarem city died of two gunshot wounds fired from a locally made rifle. According to the information of ICHR, the incident happened during a family dispute at home, and the police arrived at the scene and opened investigation into the incident. The person who fired the rifle was arrested.
- On September 20, 2010, **Saed Raslan Awad, 52**, from the town of Beitunia near the city of Ramallah was found dead in the parking lot of a complex belonging to him. According to the information of ICHR, the deceased was beaten with a sharp tool in the head and the police said that he was killed following a financial dispute. The perpetrator of the crime was arrested.
- On September, 26, 2010, **Amjad Nadi Yakub Kharfoush, 30**, from the village of Kharbatha Al-Musbah in the vicinity of Ramallah and al-Bireh died due to a wound to the head. He was hit with a sharp tool. According to the information of ICHR, the incident happened in the village of Bet Sira close to Kharbatha Al-Musbah during a clan dispute. The police arrived at the scene and opened investigation into the incident. A number of suspects were arrested.

2. Deaths under Mysterious Circumstances

ICHR monitored during the period covered by this report one death case that occurred under mysterious conditions in the West Bank.

- On September 26, 2010, **Samer Shawish, 34** from the area of Beit Hanina in Jerusalem, was found dead with severe marks on his body near Qalandia checkpoint. Investigation into the incident is still underway.

3. Deaths due to Negligence and Failure to Adopt Public Safety Precautions.

Two death cases occurred due to lack of public safety measures during the period this report covers including one case in the West Bank and another in the Gaza Strip as follows:

- On September 18, 2010, **Muhamad Mustafa Shaath, 2 years old from the city of Khan Younis** died of electricity shock. According to the information of ICHR, the deceased was playing with an electric wire connecting the family's home with the generator. The police opened investigation into the incident.
- On September 8, 2010, **Ibrahim Nadi Ghuniemat, 15 years old**, from the town of Surief in Hebron died of drowning in a swimming pool in the town of Nubah. According to the information of ICHR, the police opened investigation into the incident and the corpse was transferred for forensic medical examination. It is worth mentioning that most of swimming pools and parks lack minimum public safety measures.

4. Death Sentence

ICHR monitored during the period covered by this report one death sentence.

- On September 22, 2010, Gaza military court sentenced (**A.H.K**) , **28 from Khan Younis**, to death by fire squad in accordance with article 131 of the Palestinian Revolutionary Penal Code of 1979 after being convicted of collaboration with an enemy state.

5. Tunnel-Related Death Cases

ICHR documented one death case which occurred due to an electric shock in a tunnel on the Palestinian Egyptian borders.

6. Death Cases due to Misuse of Firearms – Internal Explosions.

- On September 19, 2010, **Mustafa Khalil Abu Jaba, 25, from the refugee camp of Jabalia**, sustained multiple gunshots to the left hand and right leg. According to the information of ICHR, Mustafa was wounded during a clan dispute where fire arms were used. The police arrived at the hospital to investigate into the incident. They arrested a number of suspects for investigation.

7. Torture during Detention – Cruel, Inhuman and Degrading Treatment

ICHR expresses its grave concern over the ongoing serious violation of detainees' rights by the security agencies and considers all patterns of ill-treatment and torture practiced by these agencies in the Gaza Strip and the West Bank prohibited and punishable by law. ICHR continued over the month of September and the months before to receive complaints from persons claiming they were subjected to torture at the hands of members of the security agencies operating in the West Bank and the security services adherent to the De facto Authority in the Gaza Strip.

In the West Bank, ICHR received during the month of September 299 complaints against the security agencies including 10 (3%) in which citizens claim they experienced torture and ill-treatment. These complaints were distributed as follows:

- (6) complaints against the Civil Police agency;
- (3) complaints against the Preventive Security Agency;
- One complaint against the General Intelligence Agency.

The torture allegations concentrated on different patterns of torture including: standing in a painful position "Shabah"; beating; punching; flogging; intimidation; psychological pressure and ill-treatment.

In the Gaza Strip, ICHR received during September 48 complaints against the security agencies of which 16 (33%) include claims of torture and ill-treatment during detention by the internal security and the civil police adhering to the MoI of the Deposed government. Torture allegations varied according to the affidavits of the complainants. Most of them claimed that they were subjected to standing in a difficult position ("Shabah") for long hours, flogging, tying the hands behind the back, suspension, blindfolding, beating using clubs and hoses, punching and ill-treatment. ICHR recalls that the internal security has been prohibiting its delegates since the beginning of the current year from visiting the detention centers to monitor the living conditions of the detainees. It also recalls that it has not received any response to its letters concerning the complaints received from the detainees.

II. Violation of the Right to Proper Legal procedures – Arbitrary and Politically-motivated Detentions.

ICHR is gravely concerned over ongoing arbitrary detention and non-compliance with proper legal procedures during detention. Such measures constitute a stark violation of personal freedoms without any legal justification. Detainees are deprived of their major rights including access to the civil judiciary, since bringing detainees before the military judiciary constitutes a clear breach of the Palestinian Basic Law and Criminal Procedures Law.

Arbitrary detention continued in the West Bank and the Gaza Strip, and ICHR received during **September** (471) complaints in the West Bank of which (299) against the security agencies. (264) complaints focused on the inappropriate procedures of detention. Most of the complainants claimed that they were arbitrarily detained or for political reasons.

In the Gaza Strip, ICHR received during the same month (71) complaints of which (48) against the security agencies which are adherent to the MoI of the Deposed government. Sixteen of these complaints focused on inappropriate detention procedures and politically driven - arrests.

III. Encroachment on the Freedom of Peaceful Assembly and Freedom of Press

Several assaults on the freedom of peaceful assembly, freedom of press and associations took place during the month of September:

- On September 15, 2010, the internal security agency prohibited a meeting of the Palestinian journalists in Gaza with the head of the International Federation of Journalists by a video conference from Ramallah. According to the information of ICHR, the Palestinian Journalists Syndicate called for the meeting in one of the meetings' rooms in al-Azhar University in Gaza, but the administration of the university received a telephone call a day before the date of the meeting from the internal security agency, informing them of the decision of prohibiting the meeting.
- On September 22, 2010, the office of journalist **Nufus Atyeh al-Bakri, 35 years old**, from Khan Younis, was broken into. Nufus works for al-Hayyat al-Jadideh daily newspaper which is published in the city of Ramallah. According to the journalist's affidavit to ICHR, she received a telephone call from someone who identified himself as a police officer. He told her that her office was broken into by unidentified persons. When she went to her office, she found the external door open and the fax, telephone and a box of documents stolen. The police arrived at the scene and opened investigation into the incident.
- On September 23, 2010, the Nablus-based Jaffa Cultural Center which organizes cultural and art activities for children was fired at by masked persons. A formal complaint was filed to the police agency in the city. A number of suspects were detained for investigation.
- On September 7, 2010, a force of the General Investigation Police prohibited a cultural eve organized by the Cinema Forum at al-Samak Restaurant hall on Gaza beach. According to the information of ICHR, the two persons who organized the activity and the owner of the restaurant were arrested for one day. They were beaten and the owner of the restaurant was forced to sign a document banning "festivals and celebrations".
- On September 12, 2010, a force of the General Investigation police prohibited a cultural eve organized by the Community Colleges' Graduates Association on Gaza beach without any reason.

IV. Assault on Public Freedoms of PLC Members

- On September 21, 2010, a joint force of the security agencies broke into the house of legislator Addul-Rahman Fahmi Abdul-Rahman Zeidan of the Change and Reformation Bloc of Tulkarem city. They broke the door and entered the house by force. They put him in a corner of the house and began searching the personal documents and files. The security servicemen were dressed in their uniforms and the head of the force was dressed in a police uniform with captain rank. The legislator added that the security service women requested to search his wife and daughters, but they refused. He recalls that the security servicemen presented no search or arrest warrant or any legal document. Further, they didn't introduce themselves. They confiscated two laptop computer sets, a mobile phone,

mobile's batteries, digital cameras and all his files and personal documents. They held him at the National Security Force Office in Tulkarem for half an hour. They insulted and ill-treated him.

- On September 14, 2010, according to the affidavit of legislator Nasir Abdul-Jawad, PLC member of the Change and Reform Bloc, a large force of the preventive security agency headed to his house late into night. They knocked the door in a panicking way. When a member of the force was asked about the reason why they break into the house, he said that they wanted to arrest the son of the legislator (Awis).

V. Assault on Public Institutions, public and private property.

- On September 2, 2010, the police agency sealed off the restaurant and Café Shop of "Sama Gaza" for three days. According to the information of ICHR, a member of the General Investigation Police arrived at the scene and informed the chairman of the board of directors of the decision. The reason behind this decision is mixed meetings between men and women and smoking water pipe by women.
- On September 5, 2010, the Gaza based "Jockeys Club" was sealed off for 21 days. According to ICHR information, the Public Prosecutor of Gaza made the decision because the club doesn't have the necessary license.
- On September 5, 2010, "Crazy Water" Resort, in the area of Shiekh Ajlin on Gaza beach, was sealed off for 21 days. According to the information of ICHR, The Public Prosecutor of Gaza took the decision claiming that the administration of the resort dug a well without a permit from the municipality. The administration of the resort submitted a complaint to the supreme court of Gaza. On 19 of the same month, a group of armed people broke into the resort by a jeep. They seized the guards, blindfolded and handcuffed them. Then, they spilled gallons of gas and torched the resort. The police arrived at the scene and opened investigation into the incident.
- On September 15, 2010, the police agency sealed off the "Orient House" restaurant on the beach of Gaza for three days. According to the information of ICHR, the Director General of the police agency issued the decision claiming the administration of the restaurant doesn't abide by the laws in force in the Gaza Strip.
- On September, 18, 2010, a member of the General Investigation Police arrived at "Latrina" restaurant in al-Rimal suburb in Gaza city and demanded from the chairman of the board of directors to accompany him to the police center of al-Abas where he was forced to sign a document banning water pipe smoking by women in the restaurant.

VI. Delays in Implementing Palestinian Courts' Decisions in the West Bank.

Non-implementation of courts' decisions and rulings during the month of **September** in the West Bank continued. Such conduct by the Palestinian courts regardless of their degrees is a blatant breach of the Palestinian Basic Law, particularly, article **106**, which stipulates that "Judicial decisions are enforceable and any form of refraining from that is a crime punishable by imprisonment and dismissal from office".

As for the implementation of decisions of both the Palestinian High Court of Justice and the Court of First Instance, **ICHR** documented a number of complaints on the non-implementation of them. The High Court of Justice issued some decisions, but the executive authority, in both its civil and military wings, failed to implement those decisions up to the moment of this report. The following are among these cases:

First: In September, ICHR received a number of complaints relating to release decisions due to the illegality of the detention procedures, but these decisions went unimplemented:

Number	Name	Detention Center	Detention date	Verdict issuance date
1	Abdul-Karim Hussien Halayka	General Intelligence\ Hebron	July 24, 2010	September 6, 2010
2	Majdi Raja Abu Haija'	General Intelligence\ Nablus	May 25, 2010	September 6, 2010
3	Muhamad Ahmad Muhamad Abu Tami	General Intelligence\ Nablus	July 6, 2010	September 6, 2010
4	Muhamad Hussien Ibrahim	General Intelligence\ Ramallah	August 9, 2010	August 30, 2010
5	Mahmoud Abed Mousa Warasneh	General Intelligence\ Hebron	July 22, 2010	September 22, 2010

Second: Decisions of release issued during previous months due to the illegality of detention but went unimplemented:

Number	Name	Detention Center	Detention date	Verdict issuance date
1	Ahmad Mahmoud Sahouri	Military prison, Bethlehem	July 6, 2010	August 9, 2010
2	Abdul-Fatah Azzam al-Hasan	Preventive security\ Ramallah	May 25, 2009	March 2, 2010, appeared before Military court on August 14, 2010, his trial was adjourned till September 21
3	Muhamad Majid Ibrahim Marei'	Military Intelligence, Nablus	January 1, 2010	On June 28, 2010, the military court issued a decision releasing him as a policeman but the decision went unimplemented. On September 18, the military court sentenced him to

				two years in prison.
4	Ziad Mousa Hamid	Intelligence\Ramallah	June 25, 2010	July 5, 2010
5	Muhamad Issam Dahir	Preventive security\Ramallah	April 2, 2010	July 5, 2010
6	Samir Issam Dahir Sulaiman	Preventive security\Ramallah	May 27, 2010	July 7, 2010
7	Juma' Saed Abu Jabal	Intelligence\Ramallah	March 27, 2010	July 11, 2010
8	Nidal Mustafa Al-Asmar	Intelligence\Nablus	April 8, 2010	July 4, 2010
9	Muhamad Ahmad Sukia	General Intelligence\Ramallah	February 6, 2008	January 10, 2010
10	Sharif Walid Ghanim	Detention center, military intelligence\Ramallah	September 2, 2009	On February 22, 2010, appeared before the military court and sentenced to 2 years in prison
11	Mamoun Ihsan Abdul-Allah Ashur	Preventive security detention centerNablus	December 31, 2009	On February 10, sentenced to 2 years in prison by Nablus military court.
12	Muhanad Mahmoud Jamil Nairoukh	General Intelligence prison\ Jericho	October 10, 2009	January 19, 2010
13	Dia' al-Din Hamdan Ali Muslih	Military intelligence prison\Ramallah	August 27, 2009	On January 10, appeared before the military court. He had another session on July 11, 2010
14	Tareq Abdul-Raziq Daoud Zied	Military intelligence detention center\Nablus	November 8, 2009	On January 12, sentenced to a year and a half in prison on charge of opposing PA's public policy
15	Judeh Mahmoud Daghreh	Military intelligence \ Ramallah	Not mentioned	On October 14, 2009, sentenced to 12 years in prison by the military court
16	Ahmad Muhamad Usri Ratib Ewewi	General Intelligence \Ramallah	September 15, 2009	February 3, 2010

17	Majd Mahir Ribhi Ubied	General Intelligence\ Jericho	October 11, 2011	February 2, 2010
18	Wisam Azzam Abed al-Muhsin Qawasmeh	General Intelligence\ Jericho	October 8, 2008	January 19, 2010
19	Wajdi Anwar Saed Faradneh	Military intelligence\ Ramallah	August 24, 2009	March 14, 2010
20	Hasan Mustafa Zagha	Military intelligence, Nablus	February 14, 2010	Sentenced to 2 years in prison by military court on April 12, 2010 and then the supreme court issued a decision
21	Tareq Ziad Hasan Shiekh	General Intelligence\ Ramallah	March 21, 2010	May 17, 2010

Besides these decisions, administrative decisions were issued during the past months, but the executive authority hasn't implemented any of them. The following are some of these decisions:

1. On 24\6\2009, the Palestinian High Court of Justice issued a decision revoking the Ministry of the Interior's decision of **appointing a provisional Preparatory committee for the management of Yatta's Islamic Society for Orphans' Care** instead of the former elected administrative committee. The court ruled that the Ministry's decision didn't mention the reason of such a measure and the fact that it constitutes a breach of article (37) and the provisions of the Charitable Associations' Law of 2001. Nonetheless, the decision of the court hasn't been implemented yet.
2. On 22\4\2009, the Palestinian High Court of Justice issued a decision reinstating **Nur al-Din Hamad** who was fired from his work for the police agency on 1\11\2007. This decision wasn't carried out up to the moment of writing this report.
3. On 8\7\2009, the Palestinian High Court of Justice issued a decision revoking the Ministry of the Interior decision of appointing a provisional preparatory committee for the management of Bet Umar Society of Orphans' Care instead of the former elected administrative committee. The court ruled that the Ministry's decision didn't mention the reason of such a measure and the fact that it constitutes a breach of the provisions of the charitable associations' law of 2001. The court's decision hasn't been implemented yet.
4. On 21\4\2010, the Palestinian High court of justice issued a decision reinstating **Muwafac Saadat** as a supervisor on physical education in the ministry of education and revoking the decision of demoting him to a teacher of physical education. It also revokes all the effects of the decision challenged because of its breach of the provisions of the Civil Service Law.

VI. Violation of the right to Movement and Travel.

The ongoing suffering of the people of Gaza seems to continue because Gaza governorates have run out of passports since November, 2008 up to the period covered by this report.

According to the information ICHR received from officers of the Ministry of Interior (MoI) of the Deposed government, the MoI in the West Bank refuses to issue passports for the citizens of the Gaza Strip depriving them of their right to movement and travel. Along the same lines, this situation has adverse impact on the

patients who need to travel for treatment abroad, students who study abroad and thousands of expatriates whose passports expired and need issuance of new ones.

The security agencies of the Deposed government in the Gaza Strip confiscated a number of citizens' passports in the Strip including the following cases which submitted complaints to ICHR:

- On September 8, 2010, the Internal Security confiscated the passport of Abdul-Raof Shrieqi Barbakh, from Rafah, member of Fatah district leadership. According to the affidavit ICHR received from him, he was summoned to the internal security center in Rafah. They held him for 2 hours and confiscated his passport. They ordered him not to leave the Gaza Strip. He added that he is in urgent need for travelling to Egypt to treat his son who suffers hemiplegia.
- On September 8, 2010, the Internal Security confiscated the passport Hamadeh Musbah Mukhiemer from Rafah. He is a lawyer. According to the affidavit of Hamadeh, he was summoned by the internal security in Rafah. They confiscated his passport without giving any reason.

VII. Dismissal from Public Service

The Ministry of Education and Higher Education continues to fire teachers and employees of its departments and stop the procedures of their appointment. ICHR received **4** complaints over the month of **September, 2010** against the Ministry in this regard. The number of the complaints lodged in this respect rose to **463** in 2010. The complainants claim that they were fired by a decision of the Minister of Education and Higher Education under the pretext that they haven't attained a recommendation from certain departments which have no authority or mandate thereof. ICHR considers such a measure as a breach of the civil service law and the Palestinian Basic Law and an infringement on the citizens' right to assume public office on equal footing without discrimination.