



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

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

1. Several death cases occurred due to different reasons including clans' 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. 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 9 death cases during October in the Palestinian Controlled Territory (PCT) including 5 in the Gaza Strip and 4 in the West Bank. As for the cause of death, these cases were distributed as follows: Two cases were due to clans' disputes and manslaughter which occurred in the West Bank, and one case occurred in the Gaza Strip under mysterious conditions. Two cases occurred in the West Bank due to negligence and lack of public safety measures and one case occurred in the Gaza Strip due to arms misuse. Finally, three deaths were tunnel-related.

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

1. Deaths due to clan disputes and manslaughter:

ICHR monitored during the period this report covers, two deaths that occurred due to clans' disputes or manslaughter in the West Bank. These deaths were distributed as follows:

- 1 On October 20, 2010, **Ali Abdul-Rahim Zghayer, 37**, from the city of Hebron died after sustaining stab wounds. He was stabbed with a sharp tool while he was driving his private car. It diverted and crashed against a wall as a result. According to the information of ICHR, the police and public prosecution opened an investigation into the incident and discovered that it occurred due to a previous quarrel between the perpetrator and the deceased.
- 2 On October 4, 2010, **Hamid Ribhi Dwekat, 27**, from the city of Nablus, died due to a wound to the chest and the head which he sustained during a clan's dispute on October 1, 2010. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. They arrested the suspect.

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

ICHR monitored and documented during the period covered by this report one death case that occurred due to misuse of firearms in the Gaza Strip. On October 6, 2010, **Zohor Khileh, 25** from Gaza city, arrived at Al-Shifa' hospital dead due to a live bullet wound that was fired by her husband while he was cleaning his gun. The police opened investigation into the incident.

3. Death under mysterious circumstances

ICHR monitored during the period covered by this report, one death case that occurred in the Gaza Strip under mysterious circumstances. On October 11, 2010, **Muhammad Eawzi Greesi, 25**, from the refugee camp of Nussierat, was found dead hung with a plastic rope in the bathroom of his house. The police opened investigation into the incident.

4. 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, in the West Bank. The two cases were distributed as follows:

1. On October 4, 2010, **Muhammad Adel Qaisyeh, 2**, from the town of Dahryeh in the governorate of Hebron, died when he drowned in a well in the yard of the family's house. The police opened an investigation into the incident and the body of the deceased was examined by the forensic doctor in Al-Khalil hospital for determining the cause of death.
- 2 On October 27, 2010, **Jamal Muhammad Abu Tuhfeh, 23**, from the town of Yatta in the governorate of Hebron, died when he fell off an under construction home on October 19, 2010. The police opened an investigation into the incident and discovered that it happened due to negligence and failure to adopt public safety precautions.

5. Tunnel-Related Death Cases

ICHR documented three death cases that occurred due to electric shocks or collapse of tunnels at the Palestinian Egyptian borders.

6. Injuries due to Misuse of Firearms-Internal Explosions

The following incidents happened in Gaza, during to the period covered by this report, due to misuse of firearms and internal explosions:

1. On October 3, 2010, Abdul-Salam Abdul-Minim Al-Zietani, 35, from Jabalia refugee camp, sustained a gunshot to the right thigh in a clan's dispute. He was rushed to hospital. His condition was described as critical. Ahmad Ramadan Al-Zeitani, 20, was injured in the same incident. He received bullets' shrapnel in the leg. The police arrived at the scene and arrested one of the suspects.
2. On October, 2010, an explosion occurred in a training camp for Izz-Al-Din brigades in the area of Tal-Sultan in Western Rafah. 26 citizens were injured including 17 pupils at UNRWA's schools close to the area (schools of Makkeh, Al-Madineh and Jedeh), as a result. The injured were rushed to Abu Yousif Al-Najar hospital. Their conditions were described as light to moderate. The explosion also caused damage to the windows and doors of the nearby houses, office of social welfare and UNRWA's clinic. According to the information of ICHR, the police opened investigation into the incident.
3. On October 7, 2010, Muhammad Ayman Hussien, 12, from Jabalia refugee camp sustained a gunshot to the left hand while his brother was holding his gun. The police opened investigation into the incident.
4. On October, 16, Baha' Khadir Muhammad Shkier, 25, sustained a gunshot to the left foot when a group of masked persons fired at him. He was rushed to hospital for treatment, and suspects were arrested for interrogation and trial.

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 October 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.

ICHR received in the West Bank during the period covered by this report (211) complaints against the security agencies of which (25) (12% of the total number) include claims of torture and ill-treatment. These complaints were distributed as follows:

- (7) Complaints against the Civil Police agency;
- (13) Complaints against the Preventive Security Agency;
- (4) Complaints against the General Intelligence Agency.
- One complaint against the national security 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 October (69) complaints against the security agencies of which (13) (19%) 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 field researchers since the beginning of the current year from visiting detention centers administered by them, to monitor the living conditions of the detainees. ICHR 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 Arrests Based on Political Affiliation

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 **October** (247) complaints in the West Bank of which (211) against the security agencies. (158) 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 (94) complaints of which (69) against the security agencies which are adherent to the MoI of the Deposed government. (46) of these complaints focused on inappropriate detention procedures and politically driven - arrests.

III. Encroachment on the Freedom of Peaceful Assembly, Freedom of Press and Associations:

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

- On October 18, 2010, the Public Investigation Agency banned members of the Liberation Party in Gaza from holding a political symposium on the topic of "Islamic Political Activity". The Party was planning to hold it in Rashad Al-Shawa Cultural Center. The head of the center asked the organizer of the event to get permit from the police in advance.
- On October 12, 2010, three members of the Internal Security entered the office of the Palestinian Journalists' Syndicate in Gaza and notified its staff that the Internal Security decided to shut down their office without giving any reasons. They handed over the staff a letter of that and left them. After four hours of the incident, member of the Syndicate "Sami Al-Agrami" received a telephone call from

a person who identified himself as member of the Internal Security and told him that no decision of shutting down the Syndicate's office has been issued.

- On October 14, 2010, the MoI in Gaza has formed a temporary committee to manage the centers of women's activities and women's programs in Biet Hanun and Jabalia refugee camp. A delegate of MoI escorted by a police force arrived at the two centers and confiscated their keys from their elected administration. He inventoried their contents before transferring their management to the new temporary committee.

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

- On October 24, 2010, The Civil Liaison and Coordination Office of the Civil Affairs Public Commission was exposed to an assault for the eighth time. The police opened investigation into the incident.
- On October 5, 2010, Office of the General Union of the Disabled was set on fire in Qalkilia. The neighbors of the office put out the fire which damaged some of its furniture. Members of the civil defense department arrived at the scene and put out the fire. According to the information, ICHR received from the police, the office was deliberately set on fire. The police opened investigation into the incident and arrested a number of suspects.

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

Non-implementation of courts' decisions and rulings during the month of **October** continued in the West Bank. 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 October, 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	Amjad Muhammad Qazaz	Preventive Security\ Hebron	August 23, 2010	October 17, 2010
2	Jihad Ismael Abou Qubieteh	Preventive Security\ Hebron	September 20, 2010	October 17, 2010
3	Badir Ahmad Abou Ayash	Preventive Security\ Jericho	September 14, 2010	October 17, 2010
4	Ryan Abdu allah Younis Shuman	General Intelligence\	September 9, 2010	October 17, 2010

		Ramallah		
5	Muaz Zeyad Mousa Hamid	Preventive Security\ Nablus	September 1, 2010	October 3, 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, Beit-Lehem	July 6, 2010	August 9, 2010
2	Abdul-Fatah Azzam Muhammad Hassan	Preventive Security\ Ramallah	May 25, 2009	On March 2, 2010, he appeared before military court and the hearing was adjourned till September 21, 2010
3	Muhammad Mujid Marei'	Military Intelligence \ Nablus	January 30, 2010	On February 8, 2010, the military court issued a decision of releasing him but went unimplemented and on September 18, 2010, the military court sentenced him to two years in prison.
4	Zyad Mousa Hamid	General Intelligence\ Ramallah	June 25, 2010	July 5, 2010
5	Muhammad Issam Dahir Sulaiman	Preventive Security\ Ramallah	April 2, 2010	July 10, 2010
6	Samir Issam Dahir	Preventive Security\ Ramallah	April 27, 2010	July 7, 2010
7	Nidal Mustafa Al-Asmar	General Intelligence\ Nablus	April 8, 2010	July 4, 2010
8	Muhammad Ahmad Sukia	General Intelligence\ Ramallah	February 6, 2008	January 10, 2010
9	Shareef Walid Ghanim	Military Intelligence \ Ramallah	September 2, 2009	On February 10, the military court of Nablus sentenced him to two years
10	Mamun Ihsan Abdullah Ashur	Preventive Security\ Nablus	December 13, 2009	On February 10, the military court of Nablus sentenced him to two years in prison
11	Muhanad Mahmoud Jamil Nairukh	General Intelligence \ Jericho	October 10, 2008	January 19, 2010
12	Dia' Al-Din Mislih	Military Intelligence \ Ramallah	August 27, 2009	On January, 2010, he appeared before the military court and the hearing was adjourned till November 7, 2010

13	Tareq Abdul-Razaq Dawod Zayed	Military Intelligence \ Nablus	November 8, 2009	On January 12, a military court sentenced him to a year and a half in prison on charges of opposing PNA's public policy
14	Ahmad "Muhammad Yusri Ratib Ewewi	General Intelligence \ Jericho	September 15, 2009	February 3, 2010
15	Magd Mahir Ribhi Aubied	General Intelligence \ Jericho	October 11, 2009	February 3, 2010
16	Wisam Azzam Abdul Muhsin Qawasmeh	General Intelligence \ Jericho	October 8, 2008	January 19, 2010
17	Wajdi Anwar Saed Faradneh	Military Intelligence \ Ramallah	August 24, 2009	March 14, 2010
18	Hassan Mustafa Zagha	Military Intelligence \ Nablus	February 14, 2010	Sentenced by military court to two years since December 14, 2009 and High Justice Court issued release decision on April 12, 2010
19	Tareq Hassan Shiekh Ali	General Intelligence \ Ramallah	March 21, 2010	On May 17, 2010 sentenced by military court to 8 months in prison
20	Abdul Karim Husien Halaykeh	General Intelligence \ Hebron	July 24, 2010	September 6, 2010
21	Magdi Raja Abou Al-Haija'	General Intelligence \ Nablus	May 27, 2010	September 6, 2010
22	Muhammad Ahmad Muhammad Abou Tami'	General Intelligence \ Nablus	July 6, 2010	September 6, 2010
23	Muhammad Hussien Al-Khatib	General Intelligence \ Ramallah	August 9, 2010	August 30, 2010
24	Mahmoud Abed Mousa Warasneh	General Intelligence \ Hebron	July 22, 2010	September 22, 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 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 **Muwafak 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 the Gaza governorates have run out of passports since November, 2008 up to the period covered by this report.

According to the information which 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 in the West Bank banned issuance of passports for the citizens of the Gaza Strip. Among these cases are the following:

- Muhammad Abdul-Magid, from Nussierat, applied with a public services company for a passport and the manager of the company informed him that his application was declined by the MoI in Ramallah. Muhammad applied several times but of no avail.
- Muhammad Hamdi Khalil Al-Wali, 24, from Jabalia camp, applied with a public services company for a passport since the beginning of September, 2010, but the manager informed him that his application was declined by the General Intelligence Agency for security reasons.
- Muhammad Magid Abou Darbi, 23, from Biet Lahya, applied with a public services company for a passport since October 14, 2010, but the manager of the company informed him that his application was declined.
- Ramzi Muhammad Younis, 33, from Jabalia camp, applied with a public services company for a passport since July 17, 2010, but the manager of the company informed him that his application was declined.

On the other hand, the security agencies of the Deposed government in the Gaza Strip confiscated a number of passports. ICHR monitored, during the month of October, **54** such cases including the following:

- On October 4, 2010, the Internal Security confiscated the passport of Ahmad Riziq Siam, 39, from Gaza city. The Internal Security, according to his affidavit, summoned him and confiscated his passport. Ahmad is Secretary General of Fatah district office at Azaitouneh suburb.
- On October 4, 2010, the Internal Security confiscated the passport of Nasir Abdul-Salim Badawi, 49, from Gaza, member of Fatah district office. The Internal Security, according to his affidavit, summoned him and confiscated his passport.
- On October 5, 2010, the Internal Security confiscated the passport of Rafiq Ashur Hussien Kishku, 38, from Gaza, physician at Al-Shifa' hospital, former member of Fatah movement. The Internal Security, according to his affidavit, summoned him and confiscated his passport.
- On October 5, 2010, the Internal Security confiscated the passport of Ibrahim Talab Hamad, 39, from Gaza, member of Fatah district office of Eastern Gaza. The Internal Security, according to his affidavit, summoned him and confiscated his passport after holding him for an hour and a half.
- On October 10, 2010, the Internal Security confiscated the passport of Kifah Khamis Issa 42, from Al-Buriej, officer of the Preventive Security agency. The Internal Security, according to his affidavit, summoned him and confiscated his passport.
- On October 18, 2010, ICHR received a complaint from Salwa Abdul Aziz Abou Zayed, 47, member of Fatah district office in central areas. According to her affidavit, the Internal Security at Dier Al-Balah summoned her on September 28, 2010 and confiscated her passport.
- On October 24, 2010, the Internal Security confiscated the passport of Dawud Abdullah Al-Astal from Khanyounis, cadre of Fatah. According to his affidavit, the Internal Security summoned him, confiscated his passport and banned him from leaving the Gaza Strip.

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 **5** complaints over the month of **October, 2010** against the Ministry in this regard. The number of the complaints lodged in this respect rose to **468** 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 in the first place. 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.