



The Independent Commission for Human Rights Monthly Report on Violations of Human Rights and Freedoms Throughout the PNA-Controlled Territory April 2009

This monthly report highlights major human rights violations as monitored and documented by the **Independent Commission for Human Rights (ICHR)** throughout the PNA-controlled territory during the month of April 2009.

Based on monitoring and documentation of encroachments on human rights and public freedoms during the month of April 2009, **ICHR** concludes the following:

1. So-called "honor killing" crimes have persisted in the Gaza Strip.
2. Incidents of arbitrary detention have also steadily risen throughout both the West Bank and Gaza Strip while disregarding the relevant provisions under the *Palestinian Basic Law* and *Law of Penal Procedure*.
3. The Military Judiciary issued death sentences against criminal convicts in the West Bank and Gaza Strip.
4. According to claims and grievances filed to **ICHR**, detained persons have continued to be subjected to torture and maltreatment in the West Bank and Gaza Strip.
5. The Internal security prevented people from traveling in Gaza Strip due to the problem of not providing the Deposed Government with passports by the Ministry of Interior in Ramallah.

Below is a detailed description of violations of human rights and public freedoms reported over April 2009.

1. Violation of the right to life and physical safety:

In the month of April 2009, **ICHR** documented **nine** death incidents throughout the PNA-controlled territory, including five in the Gaza Strip and four in the West Bank. Of these, 4 death cases were in the course of family fights as one occurred in the West Bank and the others in Gaza Strip. Moreover, 3 deaths in the West Bank resulted from negligence and the lack of general safety precautions while one case was on the grounds of honor killing of a female which took place in the Gaza Strip. Another death incident in the Gaza Strip was ensued by the misuse of arms while **ICHR** observed 3 deaths due to accidents occurring in tunnels bordering Egypt.

Following is a clarification of the death cases during the month of April, 2009:

Citizens killed in family fights and acts of revenge as well as in incidents of manslaughter:

Four death cases occurred during April 2009:

- On 28 April, 18-year-old **Ahmad Ghazi Abu El Rub**, was stabbed to death in the chest by a knife. The fight between the deceased and the murderer took place in King Talal Street in Jenin. According to **ICHR**'s documentation, the offender was arrested and the police launched an investigation on the incident.
- On 9 April, Sufyan Arafat Eleiwah, a 45-year-old male, his son Jawhar Sufyan Eleiwah, 5 years old, and his wife Mariam Eleiwah, 30 years old, were shot to death by several bullets in different parts of their bodies in their home at Al-Shuja'ieh neighborhood in Gaza. This act followed a family fight at the family's house. According to **ICHR**'s documentation, three of the offenders were arrested and the police launched an investigation into the incident.

Deaths resulting from negligence and lack of general safety precautions

Under various circumstances, three children died during April 2009 as a result of negligence and lack of general safety precautions:

- On 26 April 2009, 17-year-old Karam Muhammed Eid al-Qawasmi from Hebron died while working his shift in a Carton factory. According to **ICHR**'s documentation, the accident happened after his jacket was caught up in one of the manufacturing machines which caused the string to go around his neck and strangle him. His death was confirmed after he reached the Hebron Public Hospital. The body was examined by the general prosecution and the coroner, both of which confirmed the cause of death. It is worthy noting that the boy was working alone in the factory when the accident happened.
- On 30 April 2009, two children, Mahmoud Ali Makkawi, 12 years old, and Ezz Al-Deen Sulaiman Daraghmeh, 13 years old, from the Dheisheh camp in Bethlehem died from drowning. The incident occurred in one of the local pools in Suleiman area nearby Artas, in the south of Bethlehem. According to **ICHR**'s documentation, the children accidentally slipped and fell in the pool which is more than 2 meters deep. It's worthy to note that the pools are not maintained by official supervising parties and there is no means of protection or general safety precautions.

Honor killings

The following cases of honor killings occurred in the Gaza Strip during the month of April:

- On 12 April, **R. A. H.**, a 28-year-old female from Nusseirat city, died after her brother strangled her. Pursuant to information filed to **ICHR**, the Police arrested the offender and opened an investigation into the killing.

Fatalities caused by misuse of arms

One death incident resulting from the misuse of arms was reported to have taken place during the month of April 2009. Mohammad Nafeth Abu El Qumeez, a 21-year old man was killed by one bullet in the chest while misusing his brother's Kalashnikov on April 29. The Police opened an investigation into the accident.

In addition, **ICHR** documented 3 death incidents in events associated with tunnels along the Egyptian border in the Gaza Strip. The cause of these deaths varied between tunnels collapsing, suffocating, falling from high points into these tunnels and burning during fire breakouts in the tunnels.

Death Sentences

During the month of April, the following death sentences were issued:

- On 7 April 2009, the Special Military Court convening in Gaza city issued a death sentence in absentia against 4 citizens from Gaza city, all these sentences would be carried out in shooting. (**H. A. Z.**), (**B. K. R.**), (**N. S. H.**) and (**M. S. M.**) are all residents in Gaza Strip and were convicted of establishing an "evil association" and acting in complicity to deliberately kill a citizen on June, 5 2006. this sentence comes in accordance with provisions of the *Revolutionary Penal Law of the Palestine Liberation Organization (PLO) of 1979* as well as the *Penal Law of 1936* in force in the Gaza Strip.
- On 28 April 2009, the Military Court in Hebron issued a death sentence by hanging against (**A.M.B.**), 59 year old male from Beit Ummar to the north of Hebron. He was convicted to treason and selling Palestinian lands to the Israelis which contradicts with Article 131/a of the *Revolutionary Penal Law* for the year 1979 and Article 4 of law No. 30 for the year 1973 of the *Law of selling property to the enemy* and Article 2 of the *Law of Trading with Israel* No. 66 for the year 1958.

Torture under detention – Inhumane, cruel and degrading treatment

ICHR views with deep concern the continuing violation of detainees' right to physical safety. Furthermore, **ICHR** deems that all forms of abuse and torture exercised by Palestinian Security agencies in the Gaza Strip and the West Bank are prohibited. Culpable as these are, these acts should be banned and respective perpetrators should be punished.

As in previous months, **ICHR** continued to receive grievances over the month of April 2009. Complainants claimed that they were subjected to torture and abuse by security agencies of both the PNA in the West Bank and the *De facto* Government in the Gaza Strip.

In the West Bank, **ICHR** received **16** complaints from citizens, alleging that they were subjected to torture. These grievances were filed against various security agencies, including the General Intelligence, Preventive Security, and Military Intelligence agencies. In **11** complaints filed to **ICHR** in the Gaza Strip, affected citizens claimed that they were tortured while they were detained by the Internal Security and police agencies of the Deposed Ministry of Interior.

Injuries pursuant to the misuse of arms and security chaos

During the month of April, the following injuries occurred due to the misuse of arms and security chaos:

- On 10 April 2009, 30-year old Seif Al Deen Mohammed Qadouha from Gaza was injured after he was shot while in his work place. According to **ICHR**'s documentation, four armed and masked people went into the work place, identifying themselves as members of the General Investigations Bureau. They took Qadouha outside and shot at his feet before leaving. The injured was transferred to Al Shifaa Hospital in the city and the police launched an investigation into the accident.
- On 16 April 2009, Khaled Ahmed Dardouneh, 33, Isamil Mohammed Dardouneh, 29, and Mus'ab Mohammed Dardouneh, 24, from Jabalya were shot and injured. According to **ICHR**'s documentation, they were on their way home from a wedding party in Jabalya. They passed armed and masked individuals wearing headbands of the military wing of the Hamas movement, at which point the armed men started shooting at them from a close range which did not exceed 5 meters. The injured were transferred to the Kamal Odwan Hospital in the car of one of the armed people dressed in civil clothing which was located nearby the area.

The police came to the hospital and opened an investigation into the accident and has not reached any conclusions.

- On 21 April 2009, 9 citizens affiliated to Al-Qassam Brigades - the military wing of the Hamas movement were injured after their car was attacked by unknown masked people while passing the Abassan Junction to the east of Khan Younis. According to **ICHR**'s documentation, the police launched an investigation into the accident.

2. Violations of the right to fair legal proceedings:

This right entails arbitrary detentions and arrests on political grounds.

ICHR continues to express deep concern about the continuation of incidents of arbitrary detentions and political arrests that do not comply with fair legal procedures as well as deny citizens' personal freedoms without any respective legal justifications. In violation of the *Palestinian Basic Law* and *Law of Penal Procedure*, a most fundamental right of detained citizens as to be presented to a natural judge (i.e. regular judiciary) has been derogated. Security agencies have also continued to detain affected citizens under arrest warrants issued by the Military Justice Authority.

During the month of April 2009, **ICHR** received **122** complaints, including **26** against security agencies of the Deposed Government in the Gaza Strip and armed individuals affiliated with Hamas. In 15 grievances, affected citizens claimed that detention procedures were invalid.

In the West Bank, **ICHR** received **171** complaints, **82** of which were against the PNA security agencies. Of these, **44** citizens claimed that faulty procedures were used to detain them.

3. Assaulting public figures:

According to **ICHR**'s documentation, during April one assault incident on a public figure was registered:

On 19 April 2009, PLC member Sheikh Hamed Al Bitawi, 60, from Nablus city was injured in his leg and was admitted to Rafidya hospital for treatment. Al Bitawi was shot by a member of the Preventive Security agency after an argument between the two.

ICHR issued a statement that condemned the incident, considering it a dangerous act and called on the PNA to provide security to PLC members. Additionally, **ICHR** called on competent parties to take the necessary procedures to present the perpetrators before the law.

4. Attacks on public and private institutions and properties:

The following violations took place during April 2009:

- On 12 April 2009, the Child and Family Care Center affiliated with Kan'an educational institute and Al Fakhari association for rural development in Khan Younis was burnt down. This incident was committed by unidentified individuals who used automatic guns to shoot at the center. According to **ICHR**'s documentation, the director of the center filed a complaint to the police station in Khan Younis and the investigation is ongoing.
- On 25 April 2009, unknown individuals attacked a bus owned by the Ibda' Center in Bethlehem. They broke the windows without any clear motive. The center that the bus belonged to is a sports center in the Dheisheh refugee camp. The police have opened an investigation to find the perpetrators.
- On 15 April 2009, unknown individuals burnt the Hurieh Theater in Jenin at around 3:00 am. They slid a tube through the door and poured flaming material, setting the theater on fire which entailed serious damages. According to **ICHR**'s documentation, security agencies were informed and arrived at the scene immediately. They managed to save some of the remaining material and proceedings are still ongoing. It is important to note that prior to this accident, unknown individuals naming themselves "Ahrar Al Asifa" printed and handed out flyers in both mosques at the camp. These flyers incited attacks on cultural centers, including the Hurieh center, and threatened to shoot the persons in charge of these centers, specifically the foreign volunteers.
- On 24 April 2009, the Bisan Educational Center in the Naser neighborhood in Gaza City, owned by Fu'ad Ahmed Madi, was set on fire. According to **ICHR**'s documentation, unknown individuals committed this act. The police has opened an investigation into the incident.
- On 4 April 2009, a bomb exploded at the entrance of Wala Hair Salon for women in the Zaytona neighborhood in Gaza. The main entrance and the windows were destroyed and the police has launched investigation into the accident.
- On 23 April 2009, members of the Internal Security agency opened fire inside the Azhar University campus in Gaza. According to **ICHR**'s documentation, they went into the university with the intention to arrest Mahmoud Absi and Omar Abu Odeh, two members of the student's council, which led to a state of chaos until they made the arrest.

- In the evening of 13 April 2009, the household of Mahmoud Awad Ibrahim Dababseh in Nuba town to the west of Hebron was set on fire. A citizen threw four Molotov grenades at the house which was partially burnt. It is suspected that the incident was an act of revenge. Residents and the police put out the fire while the latter opened an investigation into the accident and the primary suspect was arrested and referred to the judiciary.
- In the morning of 8 April 2009, the car of Omar Nabulsi was burnt while it was parked in front of his house in the Iskan Area west of the city of Nablus. Investigations are still ongoing, since the Israeli Occupation Forces were circulating the area at the same time. Until the time of writing no one has been arrested.

5. Delayed execution of court judgments:

PNA security agencies in the West Bank, particularly the General Intelligence and Preventive Security, have continued to refrain from executing several decisions issued by the Palestinian Higher Court of Justice with regard to citizens detained on political grounds.

These have been detained according to arrest warrants issued by the Head of the Military Justice Authority. However, it should be noted that the continued detention of these persons and non-implementation of the High Court's decisions are an encroachment on the Court's relevant jurisdiction. It is also a deprivation of personal freedom, which is intrinsically safeguarded by Articles (11) and (12) of the *Palestinian Basic Law*. Unless they are detained on other charges, detained persons should immediately be released.

Major cases of non-executed court judgments include the following:

- During the month of March 2009, the Palestinian High Court of Justice issued a decision ruling for the release of *Asad Nimer Mafarjeh*, who has been detained by the Palestinian Preventive Security in the city of Ramallah on grounds of his political affiliation. Until the time of reporting, the court judgment has not yet been executed.
- On 23 March, the Palestinian High Court of Justice ruled for the release of *Abdul Karim Hussein Abdul Karim al Halayqah*. Based on an arrest warrant issued by the Head of the Palestinian Military Justice Authority, Al Halayqah has been detained by the Palestinian Preventive Security agency in the city of Hebron since 17 January 2009. So far, the court decision has not been put to effect.
- Also on 23 April, the Palestinian High Court of Justice ruled for the release of *Yousef Amin Mahmoud Warasneh*. According to an arrest warrant issued by the Head of the Palestinian Military Justice Authority, Warasneh has been detained by the Palestinian Preventive Security agency in the city of Hebron since 6 November 2008. The court decision has not been executed. Also until the time of reporting, court decisions ruling for the release of the following detained citizens have not been implemented.
- On 15 December 2008, the Palestinian High Court of Justice entered a decision for the release of *Mahmoud Hussein Mohammed Shanaran*, who has been detained by the Preventive Security agency in the Hebron Detention Centre since 4 November 2008. Apprehended on the basis of an arrest warrant issued by the Head of the Military Justice Authority, Shanaran is still held in custody.
- On 15 December 2008, the Palestinian High Court of Justice issued a decision for the release of *Mahmoud Hasan 'Alaya Al Harini*, who has been detained by the Preventive Security at the Hebron Detention Centre since 4 November 2008 according to an arrest warrant made by the Head of the Military

Justice Authority. So far, the High Court's decision has not been implemented. Claiming that it was not officially notified of the decision, the Preventive Security agency has continued to detain Al Harini.

- On 2 November 2008, the Palestinian High Court of Justice entered a decision for the release of ***Kamal 'Amer Abdullah Abu Tu'eimeh***, who has been detained by the Preventive Security agency at the Hebron Detention Centre since 15 September 2008. Apprehended according to an arrest warrant issued by the Head of the Military Justice Authority, the High Court's decision has not so far been executed. Claiming that it was not officially informed of the decision, the Preventive Security agency has continued to detain Abu Tu'eimeh.

6. Violations of the Right to Travel and Freedom of Movement:

During the month of April the following violations to the right of traveling and movement occurred:

- The Gazans are still suffering because of the unavailability of passport books since November 2008. Pursuant to information dispatched to **ICHR** by officials from the Ministry of Interior of the Deposed Government, the MOI in Ramallah does not send passport books for citizens in Gaza Strip. This entails depriving the people from the right to traveling and movement as well as the urgent need of special cases to travel such as medical cases that are referred abroad. In addition to college students who are studying abroad and thousands of people whose passports have expired and require renewal. It is noted that a decree from the President of the PNA declared, on 25 August 2008, delegating competent parties in the Government in Ramallah to take the necessary procedures in order to resume sending passport books.
- On 19 April 2009 Ramadan Azazzi Baraka, 36, was prevented from traveling from Khan Younis by police officer of the Deposed Government at the Rafah Border Crossing. According to information dispatched to ICHR, the police informed the citizen to check the Internal Security Services and al-Qassam Brigades without clarifying the reasons for 4 days in which the crossing was open. It is noted the citizen is a university student and has a scholarship to get his PhD in Algeria.
- On 19 April 2009, Khaled Jamal Balbal, 33, was prevented from traveling by the police officers at Rafah Border Crossing and according to ICHR's documentation the police informed the citizen of the need to check at the Internal Security Services without clarifying any reason entailing that. The Citizen is a journalist and was about to participate in a training course for journalism in Cairo.
- On 20 April 2009, Abdallah al-Ghoul, 24, was prevented from traveling from Gaza by the police officers at Rafah Border Crossing. According to the citizen's statement to ICHR, a police officer made him get off the bus and ordered him to cut his long hair. Members of the police cut his hair abruptly and did not allow him to travel. The citizen, a university student in an Egyptian university, filed a complaint to the Ministry of Interior of the Deposed Government.

7. Dismissal from civil service (teachers who were appointed under the Hamas Government in 2006):

For the fifth consecutive month, the Palestinian Ministry of Education has continued to issue decisions on dismissal or suspension of the appointment of a number of school teachers and staff. With another **8** complaints filed to the **ICHR** over April 2009, the total number of complaints made over the past four months has risen to **208**. The aggrieved stated that they had been dismissed from their jobs following a decision of the Ministry of Higher Education who justified its decision by the fact that there was a lack of recommendation or a lack of approval of their appointment by authorities who are not competent by law, regardless of whether or not they were approved or recommended. To this avail, **ICHR** deems that such a

measure violates the *Palestinian Basic Law* and *Law of Civil Service* as well as infringes on citizens' right to occupy public functions on a non-discriminatory, equal base.