



#### Monthly Report on Violations of Human Rights and Public Freedoms in the Palestinian-controlled Territory

April 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 April 2010

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

1. Several cases of death occurred for various reasons due to security chaos and within suspicious circumstances.
2. Execution of death sentences was carried out by the Deposed government against citizens in the Gaza Strip
3. Torture of detainees persists in the Gaza Strip and West Bank, as indicated by detainees' claims and complaints filed to **ICHR**. There has been **25** allegations of torture in the Gaza Strip and **14** in the West Bank
4. Detention of individuals without regard to the due process and stipulations of the Basic Law and the Penal Procedural Code prevails in both the Gaza Strip and the West Bank
5. Attacks on public and private properties continue in the Gaza Strip
6. The non-enforcement and procrastination of courts' decisions and rulings continue in the West Bank.
7. The Ministry of Interior in Ramallah continues to deny the Deposed government of the supply of passport books

Below is a detailed description of the aforementioned violations:

#### 1. Violations of the Right to Life and Physical Safety

**ICHR** documented (16) cases of death in the Palestinian-controlled Territory during April 2010 including (14) deaths in the Gaza Strip and (2) deaths in the West Bank. As for the cause of death, these cases are distributed as follows: 2 deaths resulted from fights and manslaughter, 4 deaths occurred in suspicious circumstances - 1 in the West Bank and 3 in the Strip. Finally, 6 deaths resulted from tunnels' accidents and 2 deaths were due to death sentences being carried out.

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

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

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### ***Death due to fights, family disputes and manslaughter***

During the reporting period, **ICHR** documented 2 cases of death as a result of family disputes or manslaughter; one in the Gaza Strip and the other in the West Bank as detailed below:

- On 8/4/2010, **N.H.S.** a 65 year old female citizen from the Sheoukh town in the Hebron District, was strangled to death inside her house. According to **ICHR's** information, the victim was found thrown on her back with her hands and feet tied up and her mouth covered with duct-tape. Subsequently, the police and the public prosecution arrived to the scene and the body was referred to the coroner's office for an autopsy in order to determine the cause of death. Perpetrators were arrested and referred to the judiciary.
- On 10/4/2010, **Subaib Ismail Barbakh**, an 18 year old citizen of Rafah city died of a gunshot sustained to the abdomen. According to **ICHR's** information, the deceased was shot during a domestic fight which involved the use of weapons between two families from Al Salam neighborhood to the east of Rafah. The police arrived on the scene and arrested the suspects.

### ***Deaths in Suspicious Circumstances***

During this reporting period, **4** death cases in suspicious circumstances were registered; **3** in the Gaza Strip and **1** in the West Bank, as follows:

- On 12/4/2010, **Nisreen Khamis Zayed**, a 34 year old resident of Beit Lahya died due to several gunshots sustained to the chest and head. According to **ICHR's** information, unidentified armed and masked individuals broke into her family's house in Al Slateen neighborhood in Beit Lahya and shot at her directly. The police opened an investigation into the accident.
- On 28/4/2010, **Mahmoud Ahmed Masri**, a 21 year old resident of Jabalya refugee camp died from an injury he sustained on 26/4/2010 due to gunshots to the legs and pelvis. According to **ICHR's** information, the police opened an investigation into the accident.
- On 29/4/2010, the body of **Ali Saleem Asfour**, a 20 year old young man from Gaza, was found inside a building under construction in Tal El Hawa. The man sustained an injury to the head and strangulation marks were found on the neck. According to **ICHR's** information, the police opened an investigation into the accident.
- On 6/4/2010, **M.M.H.**, a 13 year old female child from Yatta in the Hebron District died after she was hung to a rope for drying clothes on the roof of her house. The body was transferred to the Al Itimad hospital. According to **ICHR's** information, the police and the public prosecution arrived to the scene and opened an investigation into the accident while the body was referred to the coroner's office for an autopsy to determine the cause of death.

### ***Death due to Negligence and Failure to Adopt Public Safety Precautions***

During the reporting period, **2** cases of death occurred in the West Bank as a result of failure to adopt public safety precautions as described below:

- On 20/4/2010, **Mustafa Naser Mustafa Al Ajlouni**, a 7 year old resident of Ein al-Sultan Camp in Jericho, drowned in a septic tank (sewer system) while playing with his friends in one of the streets of the camp. According to **ICHR's** information, the body of the child was delivered to his parents and the prosecution opened an investigation into the accident.
- On 16/4/2010, **Salameh Ali Salem Al Daghaghmeh**, a 6 year old child from Al Ramadeen in the Thahriyeh area suffocated after he fell into a water well in the neighborhood he lives in. According to **ICHR's** information, the civil defense as well as members of the security agencies participated in

rescuing the child and transferred him to the Khalil Governmental Hospital. However, he passed away before reaching to the hospital. The public prosecution opened an investigation into the accident.

### ***Tunnel-related Deaths***

**ICHR** documented **6 cases** of tunnel-related deaths resulting from suffocations that took place in the tunnels along the Egyptian-Palestinian borders due to the tunnels' collapse or electrical wiring.

### ***Execution of death sentences in the Gaza Strip***

During the reporting period, The Ministry of Interior (MoI) of the Deposed government in the Gaza Strip executed **2** death sentences as follows:

- On 15/4/2010, the MoI of the Deposed government executed by firing **N.S.F.** a 33 year old male resident of Abed Rabu ranch in Northern Gaza. According to **ICHR's** information the supreme military court in Gaza issued a death sentence on 22/2/2009 on grounds of treason and being an accomplice to murder.
- On 15/4/2010, the MoI of the Deposed government executed a death sentence against **M.A.S**, a 37 year old man from Rafah city. According to **ICHR's** information, the High Military court in Gaza issued a death sentence by strangulation on 4/11/2009, after the accused was convicted of collaboration and communicating with enemy parties, as well as first-degree murder.

Based on these executions, **ICHR** issued a joint statement with a number of human rights organizations operating in Palestine on 16/4/2010 condemning the execution of death sentences.

### ***Torture During Detention: Cruel and Degrading Treatment***

**ICHR expresses** its deepest concerns regarding the persistence of practices by the security agencies which constitute infringements on the rights and safety of detainees in both the West Bank and the Gaza Strip. In **ICHR's** opinion, these practices should be prohibited, criminalized and punishable by law.

In April, **ICHR** has continued to receive complaints on a regular basis from citizens alleging being subjected to ill-treatment and torture inflicted by the security agencies in the West Bank and the *De-facto* authority in the Gaza Strip.

In the **West Bank**, **ICHR** received **14** complaints by citizens claiming to have been tortured in the month of April. These complaints were against the following agencies:

- 11 complaints against the police (3 against the civil police, 5 against the criminal investigation, 3 against general investigation)
- 1 complaint against the General Intelligence
- 2 complaints against the Preventive Security agencies

It is noteworthy to mention that claims of torture are concentrated on severe beating, punching, shackling in addition to psychological torture and ill-treatment.

In the Gaza Strip, **25** similar complaints were lodged at **ICHR** against the two security agencies run by the Ministry of Interior of the Deposed government (the Internal Security and the police).

Claims of torture were multiple as they included shackling for long hours, beating on feet, cuffing hands behind the back and hanging the body by a hook from a high window, blindfolding the eyes for long hours in addition to beating with batons and leather sticks, kicking various parts of the body in addition to ill-treatment.

- 2. Violations of the Right to Proper Legal Procedures** - which entails arbitrary detentions and arrests on political grounds.

**ICHR** is also deeply concerned by the continuation of incidents of arbitrary detentions and political arrests that do not comply with proper legal procedures and those that deny citizens' their personal freedoms without any respective legal justifications. One of the most fundamental rights has been violated when detained citizens are deprived of their right to be presented before a natural judge (i.e. regular judiciary), which is considered a stark violation to the Palestinian Basic Law and the Penal Procedural Code as the security agencies continue to withhold people in the custody of the military judiciary.

Arbitrary detention practices continued at different paces in both the West Bank and the Gaza Strip whereas **ICHR** received several complaints of citizens who claim they were arrested arbitrarily and confined to detention centers.

In this regard **ICHR** received (201) complaints in the West Bank during the month of April, including (141) against security agencies, (125) of which focused on claims of the invalidity of procedures following detention as the arrest was either arbitrary or based on political grounds.

As for the Gaza Strip, **ICHR** received (84) complaints during the month of April, including (56) against the security agencies of the Ministry of Interior of the Deposed Government, (38) of which claim the invalidity of the procedures which followed their detention and arrests on political grounds.

### **3. Attacks on Public Freedoms, Freedom of Speech and Right to Peaceful Assembly**

The following violations occurred during this reporting period:

***Attacks on the Right to peaceful assembly:*** these attacks occurred during March and were inattentively forgotten to be mentioned in the monthly report.

- On 12/3/2010, a military force affiliated to Al Ibedieh police-Bethlehem banned a faith-based lecture, organized by the Liberation Party, in the Al Ibedieh municipality hall on the occasion of the birth of Prophet Mohammed and the subversion of the Caliphate. The police prevented people from getting into the hall on the grounds of non-obtainment of a permit to deliver the lecture.
- On 27/3/2010, the security agencies refused people entry to Yatta municipality hall where a lecture entitled "Islam is coming and the nation never dies" was being held for the Liberation Party on the grounds of non-obtainment of a permit to deliver the lecture.

#### ***Attacks on Associations***

In the month of April, **ICHR** documented the following attacks on public institutions and private properties:

- On 12/4/2010, the Ministry of Youth & Sports of the Deposed Government took over Jabalya Services Club. According to **ICHR**'s information, a representative from the Ministry came along with a police force and counted all the clubs assets and handed it over to a Board of Directors that was appointed by the Ministry.
- On 22/4/2010, employees from the Department of Interior informed Ms. Suad Hajo, chairwoman of the Women Programs Center in Khan Younis, with a decision made regarding designating Ms. Amal al-Hallaq for the position instead. Following, they have changed the key locks of the Center and handed the keys to Ms. Amal. It's worthy of noting here that the Center includes a job creation center and a kindergarten.
- On 28/4/2010, the Department of General Affairs at the MoI of the Deposed Government shut down the Gaza branch of the Palestinian Youth Association for Leadership & Rights Activation (PYALARA). They informed PYALARA officials on the necessity of obtaining a clearance from the MoI at Gaza. According to **ICHR**'s information, the organization has a head office in Ramallah and is registered at the MoI since several years back.

### *Attacks on freedom of opinion and speech:*

- On 24/4/2010, members of the General Investigation affiliated to al-Abbas police station in Gaza City ended a performance by B BOY GAZA band at Rashad al-Shawa hall in Gaza. According to ICHR's information, this concert was initiated by a number of young men. At the beginning of the event, the organizers were surprised to see eight members of the General Intelligence agency walking into the hall, turning off the spotlights and forcing people out of the hall. They took some IDs and cell phones of the band members and requested them to go to al-Abbas police station to receive their IDs, however, when going there, police officers held them for three hours. The band members are: Hasan Omar Abu Libdeh, Mahmoud Mansour Abu Rukbeh, al-Mu'tasem Billah Mohammed Jum'a Okel, Zakaryah Khalil Salha, Mohammed Jawad Hijazi, Ahmed Na'eem Labad, and journalist Mohammed 'A'ed Labad, Mohammed Abdul Kareem Labad.
- On 24/4/2010 and 28/4/2010, members of the Public Front were held for several hours by the police and the Internal Security in the Gaza District on the grounds of distribution of a press release entitled "Let the Hamas government stop the social and economic pressure exercised against our people". Members who were held for questioning about the press release and the people in charge of its distribution are:  
Mohammed Khaled Hamoudeh, Mohammed Muneer al-Ghoul, Eyad Musa al-Natour, Walid Mohammed Abu Karsh, Basel Muneer al-Ghoul, Hani Salameh, Wa'el al-Far, Saqer al-Mukh, Tareq Zaki Sarhan, Mohammed Abdul Rahman, Amjad Hamoudeh, Mustafa Fu'ad Kheil, Ahmed Al-Gharra, Suheil al-Khateeb, Ayman al-Habashi, Abdullah Abu Zu'eter, Tal'at al-Rafati, Saleh Ibrahim al-Seiqali.

#### **4. Delayed Execution and Procrastination in the Enforcement of Palestinian Courts' Judgments in the West Bank:**

During this month, the continuous failure to enforce courts' rulings and stalling of enforcement was noted especially in the West Bank. Any failure to enforce the decision of the Palestinian courts, regardless of their nature or level, is considered a forthright violation of the stipulations of the Palestinian Basic Law, and more notably Article (106) which states that: "Judicial decisions are enforceable and any form of defaulting on their implementation is a crime punishable by imprisonment or dismissal from office".

In this month, rulings and decisions, issued by the Court of First Instance in the city of Nablus, for the release of a number of citizens detained on the ground of "affiliation to militia" have still not been executed. Despite the actual payment of the specified bails, security agencies insist on not releasing the detainees.

During this reporting period, it was noted that the security agencies implemented the decisions made by the Supreme Court of Justice but re-arrested the detainees after they have been released on new charges before they exit the detention center

As for the enforcement of rulings of both the Palestinian Supreme Court and the Court of First Instance, **ICHR** documented a number of complaints with regard to the non-enforcement of decisions issued by the Supreme Court while the executive authority, in both its civil and military arms, failed to enforce those decisions until the writing of this report, including the following cases:

**First: Decisions on unenforced releases of detainees due to the illegality of arrest procedures which were issued during the month of April**

No	Name	Place of Detention	Date of detention	Date of issuance of the verdict
1	Saed Abdul Rahman Abdul Fatah al-Awawdeh	The preventive security detention center – Hebron	12/1/2010	18/4/2010 From the Court of First Instance in Hebron, bail was made
2	Ali Mahmoud Mohammed Rashid	The preventive security detention center – Hebron	13/1/2010	19/4/2010 From the Court of First Instance in Hebron, bail was made
3	Ahmad Ismail Abdul Rahaman Ghneimat	The Preventive Security detention center- Hebron	25/1/2010	4/4/2010
4	Hassan Mustafa al-Zagha	The Military Intelligence- Nablus	14/2/2010	12/4/2010 Supreme Court of Justice
5	Khaled Rawhi Souseh	The Preventive Security – Nablus	2/11/2010	19/4/2010 Supreme Court of Justice

**Second: Decisions on unenforced releases due to the illegality of arrest procedures which were issued during the past months:**

No	Name	Place of Detention	Date of detention	Date of issuance of the verdict
1	Mohammad Rajab Shihdeh Fataftah	General Intelligence detention center – Hebron	31/12/2008	10/1/2010
2	Mohammad Ahmad Souqieh	General Intelligence detention center – Ramallah	6/2/2008	10/1/2010
3	Shareef Waleed Ghanem	General Intelligence detention center – Ramallah	2/9/2009	22/2/2010
4	Ma'mon Ehsan Abd Allah Ashoor	The preventive security detention center – Nablus	31/12/2009	10/2/2010 He was sentenced to 2 years in prison by the Military court in Nablus
5	Shadi Mohammed Akram Mustafa Shahin	The preventive security detention center – Althahrieh	14/1/2010	16/3/2010
6	Mohannad Mahmoud Jameel Nairokh	The General Intelligence Service detention center-	10/10/2008	19/1/2010

		Hebron		
7	Dia al-Deen Hamdan Ali Musleh	The General Intelligence Service detention center- Ramallah	27/8/2009	10/1/2010 He stood before the military court and has a hearing on 13/4/2010
8	Tareq AbdulRazeq Dawod Zaid	The General Intelligence Service detention center - Nablus	8/11/2009	12/1/2010 He was sentenced to a year and a half in prison by a military court on the grounds of countering the general policy of the Authority
9	Khaled Jameel Khaleel al-Siraj	The General Intelligence Service – Ramallah	Not recorded in the complaint	12/1/2010 He was sentenced to a year and a half in prison by a military court on the grounds of countering the general policy of the Authority
10	Jodah Mahmoud Daghra	The Military Intelligence Service- Ramallah	Not recorded in the complaint	14/10/2009 He was sentenced to 12 years in prison by a military court
11	Ahmed “Mohammed Yusri Rateb” al-Iweiwi	The General Intelligence Service detention Center- Hebron	15/9/2009	3/2/2010
12	Rami Nabil Subhi Dar Musa	The General Intelligence detention center – Ramallah	12/2/2010	14/3/2020
13	Awad Allah Jamil Ishtayeh	General Intelligence detention center- Nablus	12/2/2009	28/3/2010
14	Majd Maher Ribhi Obeid	General Intelligence prison – Jericho	11/10/2010	3/2/2010
15	Wisam Azzam Abdul Muhsen Qawasmeh	General Intelligence detention center- Hebron	8/10/2008	19/1/2010
16	Hani Saeed Isa Assi	The Military Intelligence Agency- Ramallah	24/2/2010	17/3/2010
17	Wajdi Anwar Saeed Faradneh	The Military Intelligence detention center- Hebron	24/8/2009	14/3/2010

In addition to the above-mentioned rulings, a number of administrative-related rulings were issued during the past months, however, the executive authority failed to enforce them as detailed below:

1. On 24/6/2009, the Palestinian Supreme Court issued a decision to revoke a prior decision by the Ministry of Interior that ordered the appointment of an interim preparatory committee for the administration of **Yatta Charitable Society for the Care of Orphans** instead of the former elected administration. The court ruled that the Ministry’s decision has not mentioned the case of such measures and the fact that it violates the provisions

- of Article 37 of the Charitable Associations Law of 2001 as the decision has not been enforced until the writing of this report.
2. On 22/4/2009, the Palestinian High Court issued a decision which ordered the police to reinstate **Nour Eddine Saleh Hammad**, into the police forces with all of his ranks. The aforementioned was dismissed from the police service since 1/11/2007. Nevertheless, the courts decisions remain unimplemented until the time of writing this report.
  3. On 8/7/2009, the Palestinian Supreme Court of Justice revoked a prior decision by the Ministry of Interior that ordered the dissolution of the elected administrative body of Beit Ummar Society for the Care of Orphans, and the appointment of an interim preparatory committee. The court ruled that the Ministry's decision has not mentioned the case of such a measure and the fact it violates the provisions of the Charitable Associations Law of 2001.
  4. On 6/7/2009, the Palestinian Supreme Court of Justice ordered the return of **Mohammad AbdulQader Ibrahim Karaja** to his place of work in the Police and to cancel his expulsion and all entailing issues of this decision which is claimed to violate the provisions of Article 19 paragraph 4 of the Security Agencies Law of 2005. However the police have not implemented the decision until the writing of this report.

## 5. Violations to the Right to Travel and Movement

Residents of the Gaza Strip are still suffering from the unavailability of passport books since November 2008 until the end of April.

According to ICHR's information obtained from officials from the Ministry of Interior of the Deposed government, the Ministry of Interior in the West Bank does not send passport books for citizens in Gaza Strip which entails depriving them from the right to travel and movement. In addition, it affects most of those in urgent need to travel abroad for seeking medical care, university education, students and thousands of expatriates whose passports have expired and require renewal.

- On 20/4/2010, Akram Fayez Shaqurah, a 31 year old resident of Jabalya, filed a complaint to **ICHR** regarding the MoI in Ramallah banning him from obtaining a passport which he applied for via the Haneef office in Gaza on 3/4/2010. According to his statement to **ICHR**, his passport issuance is halted on the grounds of not obtaining a security approval from the General Intelligence agency.
- On 20/4/2010, **Ramzi Khalil al-Naqleh**, a 40 year old resident of al-Nseirat, filed a complaint to **ICHR** regarding the MoI in Ramallah banning him from obtaining a passport which he applied for via the Walid Ramadan Office in Gaza on 2/3/2010. According to his statement to **ICHR**, his passport issuance is halted on the grounds of not obtaining a security approval from the General Intelligence agency.
- On 21/4/2010, the Deposed government prevented members of Fatah Revolutionary Council from leaving the Gaza Strip to attend one of the Council's sessions which was set to be held on 24/4/2010. According to ICHR's information, member of Fatah Mobilization & Organization Commission, Dr. Salah Abu Khitleh, who was in charge of coordinating for the departure of the delegation, was informed with this decision. Banned members are: Mr. Abdul Hamid al-Masri, Mr. Ismail Abu Shamalleh, Ms. Tahreer al-Hajj, Dr. Osama al-Farrah, Mr. Abdullah Abu Samhadaneh, Ms. Amal Hamad, and Mr. Hisahm Abdul Razeq.

## 6. Dismissal from Civil Service

The Palestinian Ministry of Education and Higher Education continues to issue decisions for the dismissal or suspension of appointment against a number of school teachers and staff. In April 2010, (10) more complaints were filed to **ICHR**, thus increasing the total number of teachers' dismissal or suspension complaints filed to **ICHR** over the past months to (414). The aggrieved stated that their dismissals were made upon decisions by the Minister of Education and Higher Education under pretexts such as the non-obtainment of security clearance or approvals of their appointments from parties that are not the competent authorities to begin with or

mandated by the law to assume such a responsibility. **ICHR** deems that such measures violate both the Palestinian Basic Law and Law of Civil Service not to mention the infringement on citizens' right to assume public office equally and without discrimination.