



Monthly Report on
Violations of Human Rights and Freedoms
In the PNA- Controlled Territories

June 2010

This monthly report highlights major human rights violations as monitored and documented by the Independent Commission for Human Rights (ICHR) "Ombudsman" throughout the PNA-controlled territory during the month of June 2010

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

1. Several cases of death occurred for various reasons due to security chaos and deaths within suspicions circumstances.
2. Torture of detainees persists in the Gaza Strip and West Bank, as indicated by detainees' claims and complaints filed at ICHR.
3. Detention of individuals prevails in both of the Gaza Strip and the West Bank without regard to the due process and stipulations of the Basic Law and the Penal Procedural Code
4. The non-enforcement of courts' decisions and rulings continue in the West Bank. Cases that receive a release are then referred to the Military Judiciary and receive decisions of imprisonment

- 5. Attacks on public freedoms and freedom of assembly and public and private property continue in the West Bank and Gaza Strip**
- 6. 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:

I. Violations to the Right to life and Physical Safety

ICHR documented (10) cases of death in the PNA-controlled territories during June 2010 including (6 deaths) in the Gaza Strip and (4 deaths) in the West Bank. As for the cause of death, these cases are distributed as follows: 1 death case resulted from fights, disputes and manslaughter in the Gaza Strip. Also, 4 death cases took place in the West Bank due to negligence and failure to take public safety precautions, while 3 deaths resulted from tunnels' accidents.

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

1. Death due to fights, family disputes and manslaughter

During the reporting period, ICHR documented one death as a result of family disputes or manslaughter in the Gaza Strip as detailed below:

- On 24/6/2010, Ismail Shukri al-Babily, 5 year old child from al-Nseirat City, died due to a shot to the neck while hanging around the family house during a fight between two families. The random shooting led to hit the child. According to ICHR information, the police arrived to the scene and opened an investigation into the accident and arrested a number of suspects for questioning.**

2. Deaths Due to Security Chaos and Misuse of Arms

During the reporting period, ICHR documented one death as a result of misuse of arms in the Gaza Strip as detailed below:

- On 25/6/2010, Medhat Nawaf al-Da'alees, 26 years, from Gaza died due to a gunshot he sustained while tampering with his brother's "Kalashnikov. According to ICHR information, the police arrived to the scene and opened an investigation into the accident.

3. Deaths in Suspicious Circumstances

During this reporting period, one death case in suspicious circumstances was registered in the Gaza Strip, as follows:

On 12/6/2010, the body of Mahmoud Basem al-Far, a two-year old child from Jabalya, was found dumped in one of the farms nearby the family's house. According to ICHR information, the child's hands and legs were tied up and a ducttape on the mouth. The police came to the scene, opened an investigation into the accident and arrested some suspects for questioning.

4. Death due to Negligence and Failure to Adopt Public Safety Precautions

During the reporting period, 4 cases of death occurred in the West Bank as a result of failure to adopt public safety precautions as described below.

- On 7/6/2010, Mohammed Jamal Ideis, 27 year old resident of Yatta, Hebron was crushed by big rocks due to an avalanche while working at a stone quarry in the area. According to ICHR information, the citizen was rescued and transferred to al-Itimad Hospital, however, he had passed away by then. The police opened an investigation into the accident to find out the cause of death.
- On 16/6/2010, Wahid Mahmoud Rashid, a 17 year old resident of Yatta/Hebron died due to severe injuries he sustained while he was cutting a hydraulic container by an electric saw. The container exploded

at his father's hardware shop. The citizen was transferred to al-Itimad Hospital where he passed away. According to ICHR information, the police opened an investigation into the accident and closed the shop down for non-obtainment of the required licenses and due to the failure to adopt public safety precautions.

- On 26/6/2010, Mahmoud Yaghnam Aziz al-Ahmar, a 3 year old child from Behlehem District died due to injuries he sustained by a swing rope that was wrapped around his neck 10 day ago at his grandfather's house. Al-Maqased hospital announced his death. According to ICHR information, the police opened an investigation into the accident while the case was referred to the Attorney General.
- On 23/6/2010, Dia al-Masri, a 14 year old child from the town of Shuqba nearby Ramallah, drowned in Aboud swimming pool and passed away. According to ICHR information, apparently the child's head hit the bottom of the pool and became unconscious, the police opened an investigation into the accident while the case was referred to the Attorney General who determined that the accident was not due to negligence on behalf of the life guard or the owner thus the case was closed.

5. Tunnel- related Deaths

ICHR documented 3 cases of tunnel-related deaths resulting from suffocations that took place at the tunnels at the Egyptian-Palestinian borders due to tunnels' collapse or electrical shock or catching fire.

6. Injury Due to Security Chaos, Misuse of Arms and Internal Explosions

During the reporting period, the following injuries occurred as a result of misuse of arms and internal explosions in the Gaza Strip as detailed below:

- On 19/6/2010, Basil Ali Dababish, 35years, Nazih Hasan Dababish 18 years, and Mohammad Husam Dababish 20 years from the city of Gaza sustained injuries as a result of a grenade thrown at them

during family dispute. According to ICHR information, the police arrived to the scene and opened an investigation into the accident and detained several suspects.

7. Torture During Detention: Cruel and Degrading Treatment

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

In June, ICHR has continued to receive complaints on a monthly basis from citizens alleging being subjected to maltreatment and torture inflicted by the security agencies in both the West Bank and the *de Facto* Government in the Gaza Strip.

In the West Bank, ICHR received 204 complaints against security services in the month of June 15 of which were by citizens claiming to have been tortured or mistreated constituting 7% of the total complaints. These complaints were against the following agencies:

- 5 complaints against the police service (3 against criminal investigation, 1 against the Drug Control Department, 1 against patrol police)
- 5 complaints against the General Intelligence
- 2 complaints against the Preventive Security Service
- 3 complaints against the Military Intelligence Service

In this regard, it's worthy of mentioning that claims of torture are concentrated against shackling, severe beating, punching, in addition to psychological torture and ill treatment.

In the Gaza Strip, ICHR received 74 complaints against security services 15 of which constituting 20% were lodged 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 it included shackling for long hours, beating on feet, cuffing hands to 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 by feet various parts of the body in addition to ill treatment.

II- Violations to the Right to Proper Legal Process and Just 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 fair and 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 of the West Bank and the Gaza Strip whereas ICHR received several complaints of citizens who claim they were arrested arbitrarily and were confined to detention centers.

In this regard ICHR received (271) complaints in the West Bank during the month of June, including (204) against security services, (110) of which focused on claims of the invalidity of procedures following the detention as the arrest was either arbitrary or on political grounds.

As for the Gaza Strip, ICHR received (74) complaints during the month of June, including (46) against the security agencies of the Ministry of Interior of the Deposed Government, (20) of which claim the invalidity of the procedures which followed their detention and arrest on political grounds.

III- Attacks Freedoms of Peaceful Assembly and Freedoms of Journalists

The following violations occurred during this reporting period:

- On 14/6/2010, the Police in the Gaza Strip prevented the General Union for Palestinian Women from commemorating al-Nakba which is organized by the National Committee of the National Works Commission. According to a statement by one member of the union to ICHR, the police forcibly ended the gathering allegedly for not having a permit to conduct it.

IV- Attacks on Public institutions and Public and Private Property

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

- On 28/6/2010, some masked and armed individuals attacked a summer camp for the UNRWA located at the vicinity of Al Zawayda Beach. According to ICHR information, the armed men broke into the camp and set the area on fire, handcuffed and blindfolded the guards. The police

arrived to the scene and opened an investigation while Civil Defense put out the fire noting that this is the second incident targeting summer camps as the first was on the 23 of May.

- On 23/6/2010, an explosion was reported in front of a famous sweets and pastry shop called “Al Qadi” located in Beit Lahia which belongs to Baha’ Ghazal originally from Gaza. According to ICHR’s information a grenade was placed at the front of the shop. The police reported to the scene and conducted an investigation noting that the same store was attacked last month.
 - On 28/6/2010 Bunian Training: Evaluation and Social Studies Association located in Khan Younis was burglarized. The CEO reported to ICHR that the burglary took place around dawn during which 2 desktops were stolen. The police reported to the scene and conducted an investigation.
- V- **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) that states that “judicial decisions are enforceable and any form of defaulting on their implementation is a crime punishable by imprisonment or dismissal from office ...”.

As for the enforcement of rulings of both the Palestinian Supreme Court and the Court of First Instance, ICHR documented a number of complaints on 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 due to the illegality of arrest procedures which were issued during the month of May:

No	Name	Place of Detention	Date of detention	Date of issuance of the verdict
1.	Amer Abd Alhaleem abu Arafa	Military prison/Hebron	11/5/2010	23/6/2010
2.	Tarek ziyad Hasan al-Sheekh	The General Intelligence Service - Ramallah	21/3/2010	17/5/2010
3.	Bilal mohammad Sa'eed Abo Shalbaya	The General Intelligence Service - Ramallah	1/4/2010	8/6/2010
4.	Ahmad Ismail Abd al-Rahman Ghnemat	The preventive security detention center -Hebron	25/1/2010	23/5/2010 Supreme Court

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.	Jebriil Mohammad Abdul Rahman Najjar	The preventive security detention center - Hebron	12/5/2010	24/5/2010
2.	Mosab Mustafa Alhor	The preventive security detention center -Thahrieh	15/9/2009	19/5/2010
3.	No'man ahmad Ismail al-Darbee'	The preventive security detention center -Hebron	25/1/2010	10/5/2010
4.	Mohammad Amhad Souqieh	The General Intelligence detention center - Ramallah	6/2/2008	10/1/2010
5.	Shareef Walid Ghanem	The preventive security detention center -Ramallah	2/9/2009	22/2/2010
6.	Ma'mon Ihsan Abdullah Ashour	The preventive security detention center - Nablus	31/12/2009	10/2/2010

7.	Shady mohammad akram mostafa shaheen	The preventive security - Thahrieh	14/1/2010	16/3/2010
8.	Mohanad Mahmoud Jameel Nayrookh	The General Intelligence Prison in Jericho	10/10/2008	19/1/2010
9.	Deia 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
10.	Tarek Abdul Razek Dawoud Ziad	The General Intelligence Service detention center Nablus	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
11.	Khaled Jamil Khaleel al- Saraj	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
12.	Joudeh Mahmoud Dghra	The Military Intelligence Service- Ramallah	Not recorded in the complaint	14/10/2009 He was sentenced to 12 year sin prison by a military court
13.	Ahmad Mohammad yusri Rateb al'ewawi	The General Intelligence Prison in Jericho	15/9/2009	3/2/2010
14.	Rami Nabeel Subhi Dar Musa	The preventive security detention center -Ramallah	12/2/2010	14/3/2010

15.	Awad Allah jameel Ishtyah	General Intelligence - Nablus	12/2/2009	28/3/2010 He was sentenced to two years in prison by the military court/3/28
16.	Majd Maher Rebhi Obaid	The General Intelligence Prison in Jericho	11/10/2010	3/2/2010
17.	Wissam Azzam Abdul Mohsen Qawasmeh	The General Intelligence Prison in Jericho	8/10/2008	19/1/2010
18.	Hani sa'eed Issa Assi	The Military Intelligence Service In Ramallah	24/2/2010	17/3/2010
19.	Wajdi Anwar Sa'eed Faradna	The Military Intelligence Service In Ramallah	24/8/2009	14/3/2010
20.	Lowi Fawaz Taleb Abed	The preventive security detention center In Hebron	12/1/2010	14/3/2010
21.	Saed Abdul Rahman Abdul Fatah al-Awawda	The preventive security detention center In Hebron	12/1/2010	18/4/2010 Court of First Instance-Hebron Bail was made
22.	Ali Mahmoud Mohammad Rashed	The preventive security detention center In Hebron	13/1/2010	19/4/2010 Court of First Instance-Hebron Bail was made
23.	Hassan Mustafa Zagha	The Military Intelligence Service-Nablus	14/2/2010	12/4/2010 Supreme Court
24.	Khaled Rawhi sosa	The preventive security detention center- Nablus	2/11/2010	19/4/2010 Supreme Court
25.	Majed Mohammad Yousef al-Awawda	The preventive security detention center- Thahrieh	11/1/2010	22/4/2010
26.	Jamal Hasan Houssein al-Awawda	The preventive security detention center- Thahrieh	13/1/2010	5/4/2010

27.	Murad Mohammad Issa al-Hirbawi	The preventive security detention center- Thahrieh	21/1/2010	31/3/2010
28.	Abdal Majeed Ishak Mahareek	The preventive security detention center- Hebron	12/1/2010	21/4/2010
29.	Mousa Dar Asi	The General Intelligence Service detention center	16/2/2010	28/3/2010

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 measure 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 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 Service Law of 2005. However the police have not implemented the decision until the writing of this report.
5. On 12/4/2010, the Palestinian Supreme Court of Justice ordered the return of Muwafaq Saadat to his position as a sports supervisor in the Ministry of Education and to revoke his expulsion and all entailing issues of this decision which is claimed to violate the provisions of Civil Service Law.

VI- Violations to the Right to Travel and Movement

Gaza residents are still suffering from the unavailability of passport books since November 2008 until the end of this current month.

According to ICHR information obtained from officials from the Ministry of Interior of the Deposed Government, the MOI 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 for traveling abroad for seeking medical care, university education, students and thousands of expatriates whose passports have expired and require renewal.

VII- Dismissal from Civil Service

The Palestinian Ministry of Education continues to issue decisions for the dismissal or suspension of appointment against a number of school teachers and staff. In June 2010, (18) more complaints were filed at ICHR thus increasing the total number of teachers' dismissal or suspension complaints filed to ICHR over the past months to (443). 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 of the Palestinian Basic Law and Law of Civil Service not to mention their infringement on citizens' right to assume public office equally and without discrimination.

- End of the Monthly Report-