



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

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

1. Several death cases occurred due to different reasons including deaths under mysterious circumstances, families' disputes and negligence of public safety measures.
2. Death sentences were issued in the Gaza Strip
3. Torture of detainees continues in the Gaza Strip and the West Bank, as indicated by detainees' claims and complaints submitted to ICHR.
4. Detention of persons without regard to due process and conditions of the Basic Law and Code of Criminal Procedures in both the Gaza Strip and the West Bank continues.
5. Ongoing 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
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 15 death cases during December in the Palestinian Controlled Territory (PCT) including 3 in the Gaza Strip and 12 in the West Bank. As for the cause of death, these cases were distributed as follows:

Five cases were due to clans' disputes and manslaughter (3 occurred in the West Bank, and 2 in the Gaza Strip), 4 death cases occurred under mysterious conditions, most of which in the West Bank. Four death 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. In addition to one death case which was tunnel-related.

The following provides more details on the death toll during the month of December 2010:

1. Deaths due to clan disputes and manslaughter:

ICHR monitored during the reporting period, five deaths that occurred due to clans' disputes or manslaughter, two of which were in the Gaza strip and three cases in the West Bank . These deaths were distributed as follows:

- On December 20, 2010, Zuheir Ibrahim Al-Ghandour, 40, from Jabalia refugee camp died after he was shot in the neck during a family dispute in which fire arms were used. According to the information of ICHR, the police opened an investigation into the incident and 6 people were detained for further investigation.
- On December 22, 2010, Mohammed Mohammed Al-Ashram, 28, from Gaza city, died due to a wound to the chest during a family dispute in which firearms were used. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. They arrested the suspect.
- On December 12, 2010, Yousef Aref Hamdan Kmail from Qabatia in the Jenin district, died after he was beat by a group of individuals. According to the information of ICHR, the police are carrying out an investigation as they have arrested the suspect.
- On December 31, 2010, Khaled Mohammed Hasan Jahhaleen, 37 year old, and Ali Ibrahim Kreishan, 47 years old from Anata the Jerusalem district died after they were shot by people in the area. According to the information of ICHR, Mr. Jahaleen was admitted to Hadasa hospital as he holds a Jerusalemite ID card, while Mr. Kreishan was admitted to Ramallah Governmental Hospital. The police arrived at the scene and still waiting for the forensic report. The Public prosecution visited the scene as well, and launched an investigation. The initial investigation attributes the incident to an act of revenge.

2. Death Cases due to Misuse of Firearms.

ICHR monitored and documented one death case which occurred in the West Bank during this reporting period. On December 3, 2010, Ragheb Fareed Abdelqader Bane Menya, 47 years old, was found dead in his house in Aqraba by Nablus. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. Later, the investigation revealed that his death was due a bullet sustained to the head while he was holding a pipe gun; an unused pack of similar bullets was found with him.

3. Death under Mysterious Circumstances

ICHR monitored during the period covered by this report, 4 death cases that occurred in the West Bank under mysterious circumstances. These deaths were distributed as follows:

- On December 28, 2010, Fares Ibrahim Al Shammas, 50, from the city of Hebron, was found dead near the Beit Hajai settlement, in southern Hebron. According to the information of ICHR, the above-mentioned citizen had disappeared for approximately two weeks and was suffering from memory loss. The Israeli police which found his body sent it for an autopsy in the forensic centre of Abu Kbier to determine the cause of the death.
- On December 27, 2010, Firas Waleed Al Absi, 18, from the city of Hebron died after sustaining fire bullets wounds to his neck, head and back while he was located near his house. Firas was admitted to Al-Ahli Hospital in the city where he passed away. According to the information of ICHR, the police

arrived at the scene and opened investigation into the incident. The Governor of Hebron formed a formal investigation committee of the police and military intelligence services in Hebron to determine the causes of the incident and pursue the perpetrators.

- On December 11, 2010, Ibrahim Fayegeq Ibrahim Al Asmar, 23, from al Azariya was found dead inside a car in his family's parking. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident and asked the public prosecution to proceed with the investigation. The corpse was sent to the forensic doctor. Investigation is still ongoing.

- On December 26, 2010, Rajih Ali Hasan Qada, 31, from Shukba in Ramallah Governorate was found dead in his house. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident, and his corpse was sent to the Forensic Medical institute to determine the cause of his death.

4- Deaths due to Negligence and Failure to Adopt Public Safety Precautions.

Four death cases occurred due to lack of public safety measures during the period this report covers, in the West Bank. The four cases were distributed as follows:

- On December 1, 2010, Issa Ezzat Qtouf, four years old, from the town of Yatta in the governorate of Hebron, died when he drowned in a water barrel in the yard of the family's house. The child was admitted to Abu Alhasan Hospital and then transferred to Hebron Governmental Hospital where he passed away. According to the information of ICHR, an investigation into the incident was opened and the case was documented as normal death, although it happened due to negligence and failure to adopt public safety precautions.

- On December 27, 2010 Ameer Mahmoud Rabaya'a, 19, from the town of Abedeya in the governorate of Bethlehem, died when he was overrun by a bulldozer which was working in a garbage dumpster in the area. According to the information of ICHR, the deceased was collecting scrap. His corpse was transferred by the Israeli police to the institute of forensic medicine.

- On December 4, 2010, Abdallah, 4, from the town of Artas in the governorate of Bethlehem, died when he drowned in a water pool while he was playing. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The initial investigation which was carried out by the police and the public prosecution revealed that the incident occurred due to negligence and failure to adopt public safety precautions by the family.

- On December 9, 2010, Bara'a Sami Makhamra, one and a half years old, from the town of Yatta in the governorate of Hebron, died when she drowned in a cesspit in the yard of the family's house. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The initial investigation attributed the cause of the incident to negligence and failure to adopt public safety precautions.

5. Tunnel-Related Death Cases

ICHR documented one death case that occurred due to electric shock in a tunnel at the Palestinian Egyptian borders.

6. Death Penalty

During the period this report covers, the following death sentences were issued:

- On December 1, 2010, the Gaza High Military Court sentenced I.Kh. N, from Alshate' refugee camp in Gaza, to death after he was convicted of killing a citizen in last November, the sentence was based on the Palestinian Revolutionary Criminal Law for 1979.
- On December 6, 2010, the Gaza Permanent Military Court sentenced three citizens from Gaza Governorates to death after they were convicted of kidnapping and killing a citizen, Alrafati, from Gaza on June 10, 2007. The sentences were issued based on the Palestinian Revolutionary Criminal Law for 1979 and the Penal Law of 1936. (J.M.M) and (A.A'M) were sentenced in absentia while (J.Z.J) was sentenced in presence.
- On December 6, 2010, the Gaza Permanent Military Court sentenced (M.M.A'), who lives on the other side of the Green Line, to death in absentia, on charges of espionage. The sentence was issued based on the Palestinian Revolutionary Criminal Law for 1979 and was issued in absentia.
- On 29/12/2010, the Gaza District Court sentenced (F.T.W), a resident of Gaza, to death by hanging, being convicted of killing, based on the Penal Law of 1936.

7. Injuries due to Misuse of Firearms-Internal Explosions

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

- On December 19, 2010, Shadi Eid Madi, 33, from Rafah, sustained multiple bullets wounds to different parts of his body. According to the information of ICHR, Shadi was shot by one of his relatives. He was rushed to Abu Yousef Alnajar hospital in the city; the police arrived at the scene of the incident and opened investigation into the incident and arrested the suspect.
- On December 22, 2010, Hani Elhendi, 30 and Mohammed Alqouqa, 31, both residents of Gaza were moderately injured. According to the information of ICHR, the injuries were due to a mysterious internal explosion which occurred at one of the houses in Gaza. The police opened an investigation into the incident to explore the reasons behind the explosion.

8. 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 December 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 agencies affiliated to the De facto Authority in the Gaza Strip.

ICHR received during the period covered by this report (182) complaints in the West Bank against the security agencies of which (17) (9.5% of the total number) include claims of torture and ill-treatment. These complaints were distributed as follows:

- 6 complaints against the Police
- 6 complaints against the Preventive Security Agency.
- 3 complaints against the General Intelligence Agency (submitted by persons after their release)
- 2 complaints against the Military Intelligence Agency

Furthermore, ICHR documented 11 torture allegations, 10 of which against the preventive security agency and 1 complaint against the general intelligence agency. Those who submitted the complaints confirmed that they experienced different patterns of harsh torture especially standing in a painful position for a long time “Shabah”. They asked the ICHR not to follow up the complaints with the parties complained against; therefore, the complaints were documented but not followed up. 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 December (44) complaints against the security agencies of which (20) (48%) 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 positions ("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 2010 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.

In the West Bank, ICHR was prohibited from visiting detention centers administered by the General Intelligence Agency during November and December, to monitor the living conditions of 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 in contravention of the law. 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 December (299) complaints in the West Bank of which (182) against the security agencies. (135) 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 (65) complaints of which (44) against the security agencies which are adherent to the MoI of the Deposed government. (19) of these complaints focused on inappropriate detention procedures and politically motivated 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 December:

1. Peaceful Assembly:

- During the month of December, the Internal Security of the Deposed Government in Gaza summoned tens of leaders, cadres and members of Fatah movement, to its headquarters. They were detained for several hours, and warned against conducting any activities or events related to the

anniversary of Fatah launch, which coincides on the first of January. According to the information of the ICHR, five of those who were summoned were detained in the Rafah police centre, and they are still in detention until the moment of preparing this report.

- On December, 25, 2010, the police in the Gaza Strip broke up a peaceful gathering organized by a number of supporters who expressed solidarity with Sharek Youth Forum in Gaza, to protest against the closure of the headquarters of the Forum based on a decision from the Attorney General in the Gaza Strip on November 30, twenty Participants in the peaceful gathering were arrested. They were released after signing a document pledging not to organize such events.

2. Freedom of Press

- On December 21, 2010, the Internal Security Agency in Rafah confiscated the camera and cellular mobile of journalist, Hatem Omar Saadi, Correspondent of the Chinese News Agency. According to the information of the ICHR, the journalist was interrupted by members of the Internal Security Agency, while he was doing his job in Abu Yousef Al Najjar hospital to cover the casualties caused by Israeli shelling in Rafah, the camera and his mobile phone were confiscated, and asked to leave the hospital.

An hour later his belongings were restored.

- Throughout the month of December, Journalist Amer Abdelhalim Abu Arafa was not freed from prison though he was arrested on 10/11/2010 by the General Intelligence agency in the city of Hebron for his report on “Shabah” to the Chinese News Agency. ICHR has documented his testimony during an interview in an exceptional visit to the detention center at the headquarters of the General Intelligence in Hebron on 20/11/2010.

3. Assaults on Associations

- On December 26, 2010, the Headquarters Office of the Palestinian Democratic Union (FIDA) in the city of Rafah was closed by the internal security agency; some of its furniture was confiscated. The Secretary of the Union informed the ICHR that he was called by telephone by a member of the Internal Security Agency in Rafah, and asked him to come to their headquarters, where he was questioned about the activities of the Union. He was detained for two days, and asked not to do any activities in the office. The furniture confiscated from the office was returned, but remained shut down for two days.

IV. Procrastination of Implementing Palestinian Courts Decisions in the West Bank.

The non-implementation of court decisions and rulings during the period this report covers and as was noted before, has 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 per the non-implementation of decisions of both the Palestinian High Court of Justice and the Court of First Instance, ICHR documented a number of complaints. 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 December, 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	Mahmoud Jamil Alqam	Preventive Security/ Althahreya	2/11/2010	6/12/2010
2	Adnan Suleiman Abu Jarour	Preventive Security/ Jericho	4/10/2010	28/11/2010
3	Adnan Yousef Omar Shouman	General Intelligence Agency/Ramallah	28/8/2010	7/11/2010
4	Najeh Abdullah Dar	Preventive security/ Ramallah	13/9/2010	7/11/2010
5	Belal Mohammed Samaha	Preventive security/ Ramallah	27/9/2010	12/12/2010
6	Muath Mohammed Samaha	Preventive security/ Ramallah	27/9/2010	12/12/2010
7	Yaseen Mohammed Samaha	Preventive security/ Ramallah	27/9/2010	12/12/2010

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

Number	Name	Detention Centre	Detention Date	Verdict issuance Date
1	Jihad ismael Abu Qebteyeh	Preventive Security Investigation Centre / Hebron	20/9/2010	17/10/2010
2	Bader Ahmed Abu Ayyash	Preventive Security Investigation Centre / Jericho	14/9/2010	17/10/2010 On 29/12/2010 A military court sentenced him to 6 months in prison and a fined of 500 JD
3	Abdelfattah A zzam Mohammed Alhassan	Preventive Security/ Ramallah	/5/2009	2/3/2010 he appeared before the military court on 14/8/2010 and the hearing was adjourned till September 21,2010, on this day he was sentenced to 12 years in prison by the

				military court.
4	Mohammed Majeed Ibrahim Mara'i	Military Intelligence Agency/ Nablus	30/1/2010	28/6/2010, the military court issued a decision of releasing him as he's a policeman but went unimplemented and on September 18, 2010, the military court sentenced him to two years in prison.
5	Mohammed Issam Thaher Suleiman	Preventive security/ Ramallah	2/4/2010	10/7/2010
6	Samer Issam Thaher Suleiman	Preventive security/ Ramallah	27/4/2010	10/7/2010
7	Nedal Mostafa Al-Asmar	Intelligence Agency/ Nablus	8/4/2010	4/7/2010 the military court sentenced him to 1 year and a half in prison
8	Mohammed Ahmed Souqeyeh	General Intelligence Agency/ Ramallah	6/2/2008	10/1/2010
9	Sharif Waleed Ghanem	Military Intelligence/ Ramallah	2/9/2010	22/2/2010 he appeared before military court and was sentenced to two years in prison
10	Ma'amoun Ihsan Abdullah Ashour	Preventive Security/ Nablus	31/12/2009	10/2/2010 the military court sentenced him to two years in prison
11	Mohammed Mahmoud Jameel nairoukh	General Intelligence/ Jericho	10/10/2008	19/1/2010
12	Deya'a Eddin Hamdan Ali Musleh	Military Intelligence/ Ramallah	27/8/2009	10/1/2010 appeared before the military court and has a session on 11/7/2010
13	Ahmed Mohammed Yusri Rateb A'waiwi	General Intelligence/ Jericho	15/9/2009	3/2/2010
14	Majd Maher Rebhi Obaid	General Intelligence/ Jericho	11/10/2009	3/2/2010
15	Wissam Azzam Abdulmuhsen Qawasma	General Intelligence	8/10/2008	19/1/2010
16	Wajdi Anwar Sa'eed Fardane	Military Intelligence/ Ramallah	24/8/2009	14/3/2010
17	Hasan Mustafa Zagha	Military intelligence/ Nablus	14/2/2010	Sentenced to two years in prison by the military court on

				14/12/2009, a decision was issued by the high justice court on 12/4/2010
18	Tareq Zeyad Sheikh Ali	General Intelligence/ Ramallah	21/3/2010	17/5/2010 3/11/2010 a military court has sentenced him to 8 months in prison
19	Abdelkareem Hussein Halayqa	General Intelligence Hebron	24/7/2010	6/9/2010
20	Majdi Raja Abu Alhajja	General Intelligence/ Nablus	27/5/2010	6/9/2010
21	Mohammed Ahmed Abu Tame'a	General Intelligence/ Nablus	6/7/2010	6/9/2010 the military court sentenced him to a year and half
22	Mohammed Hussein Ibrahim Alkhatib	General Intelligence	9/8/2010	30/8/2010
23	Mahmoud Abed Mousa Warasneh	General Intelligence	22/7/2010	22/9/2010
24	Anwar Abdel Rahim Harb	Preventive Security Investigation centre/ Jericho	8/8/2010	7/11/2010 the military court sentenced him to one year in prison on 29/12/2010
24	Mohammed Idriss Ale'mla	Preventive Security/ Hebron	14/10/2010	21/11/2010
25	Mahmoud Suleiman Imwas	Preventive Security/ Jericho	24/8/2010	7/11/2010
26	Yaser Abdelfattah Amr	Preventive Security/ Jericho	24/8/2010	7/11/2010 The military court sentenced him to 8 months in prison on 29/12/2010.
27	Mohammed Barakat Al-Atrash	General Intelligence/ Jericho	1/9/2010	7/11/2010
28	Mohammed Hussein Abu Hadeed	General Intelligence/ Jericho	3/9/2010	7/11/2010
29	Sae'ed Hussein Zakareya	Military Intelligence/ Ramallah	28/6/2010	7/11/2010
30	Najeh Abdullah Dar Assi	Preventive Security/ Ramallah	13/9/2010	7/11/2010
31	Saleh Shawqi Ahmed Alqawasmi	Preventive Security/ Jericho	13/9/2010	21/10/2010 sentenced to 6 months in prison by the military court on 29/12/2010
32	Islam Al Arouri	Preventive Security/ Ramallah	8/10/2010	21/11/2010
33	Ibrahim Mahmoud	Preventive Security/ Jericho	26/9/2010	25/11/2010

	Abdelmajeed	Ramallah		He was released and re-arrested at the same time before he leaves the detention centre
34	Ahmed Rasmi Sameeh Khuffash	Preventive Security/ Nablus	2/9/2010	21/10/2010
35	Ibrahim Eid Hathaleen	Preventive Security/ Hebron	14/10/2010	28/11/2010

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.

V: 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.

- On 12/12/2010, members of the Internal Security Agency at Rafah Crossing Border prevented the citizen Amal Tawfiq Hamad, from Beit Hanoun, Deputy secretary of the Revolutionary Council of Fatah, and coordinator of the Secretariat of the General Union of Palestinian Women from travelling

to Egypt, to attend the World Youth conference in South Africa, as a member of the delegation representing Palestine. According to her affidavit to ICHR, she was asked to go to their headquarters in Jabalya on the next day, where she was informed that she was not allowed to travel on the ground of a political decision, and that the activities of the General Union of Palestinian Women are banned in the Gaza Strip.

VI. Dismissal from Public Service

The Ministry of Education and Higher Education continues to fire teachers and employees of its departments and suspend the procedures of their appointment. ICHR received 2 complaints over the month of December, 2010 against the Ministry in this regard. The number of the complaints lodged in this respect rose to **474** 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 citizens' right to assume public office without discrimination.