



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

February 2010

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 February 2010.

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

1. Several cases of death occurred for various reasons due to security chaos as well as within suspicious circumstances.
2. Torture of detainees persists in the Gaza Strip and the West Bank, as indicated by detainees' claims and complaints filed to **ICHR**. There is a notable increase in the number of torture claims in the Gaza Strip (23 complaints in the Strip and 10 in the West Bank)
3. Detention of individuals prevails in both 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.
5. Attacks on public and private properties continue with occurrences concentrated in the Gaza Strip this month
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:

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

**ICHR** documented (15) cases of death in the Palestinian-controlled Territory during February 2010 including (12) deaths in the Gaza Strip and (3) deaths in the West Bank. As for the cause of death, these cases are distributed as follows: 3 death cases occurred within suspicious circumstances, 2 of which were in the West Bank and one in the Gaza Strip. In addition, 3 death cases were caused due to the misuse of arms in the Gaza Strip, and 7 cases

were due to negligence and failure to take public safety precautions; 6 in the Strip and one in the West Bank, while two deaths resulted from accidents in the tunnels along the Gaza-Egyptian border.

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

#### *Deaths in Suspicious Circumstances*

During this reporting period, three death cases in suspicious circumstances were registered; 2 in the West Bank and 1 in the Gaza Strip, as follows:

- On 8/2/2010, **Karawan Sameer Abdul Fatah Abu Haltam**, a 24 year old female resident of Tarqumia village in the Hebron District, died and was transferred to Al Ahli Hospital in Hebron city. Consequently, the public prosecution opened an investigation into the accident and decided to refer the body to the coroner in order to determine the cause of death. Until the time of reporting, no arrests were made in relation to this case.
- On 27/2/2010, **Shadi Hashem Mohammed Qeisyeh**, a 25 year old resident of Al Thahrieh town in the Hebron District was found hung by a rope inside a warehouse that belongs to his family after he was missing for around 24 hours. Once informed, the police immediately arrived to the scene along with the public prosecution. The body was examined and then referred to the coroner to find out the cause of death.
- On 25/2/2010, **A. Z. GH.**, a 27 year old female from Gaza city died due to strangulation by a rope around her neck that was hung from the ceiling of her room. According to **ICHR's** documentation, the police arrived at the scene and opened an investigation into the incident.

#### *Deaths due to Security Chaos and Misuse of Arms*

In February 2010, **3** cases of death were documented in the Gaza Strip as a result of misuse of arms which occurred in the following circumstances:

- On 7/2/2010, **Fadi Talal Ismail**, a 28 year old male resident of Al Maghazi camp died of gun shots sustained in the abdomen and the chest. The shots were fired from an automatic gun which belonged to the deceased as he was cleaning it. According to **ICHR** documentation, the police opened an investigation into the accident.
- On 11/2/2010, **Mohammed Ibrahim Aziz**, a 34 year old male resident of northern Gaza, died as a result of a gunshot sustained to the head which he fired with his personal weapon. According to **ICHR's** documentation, the police arrived to the scene and launched an investigation in the accident.
- On 25/2/2010, **Aysheh Adel Hamideh**, a 30 year old resident of Al Nseirat camp died after sustaining a gunshot to the chest. According to **ICHR's** documentation, a bullet shot by accident from her brother's weapon caused the death. The police arrived to the scene and opened an investigation into the accident.

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

During the reporting period, 7 cases of death occurred as a result of negligence and failure to adopt public safety precautions. 6 of these cases occurred in the Gaza Strip and one death was reported to have occurred in the West Bank, as described below.

- On 9/2/2010, **Najeh Othman Ibrahim Al Qawasmi**, a 10 year old child from Hebron City died while he was playing on the roof of his family's house. The death occurred after the rope of a swing he was playing with was wrapped around his neck and choked him. The police arrived to the scene immediately after they were informed and the body was examined and then buried without undergoing autopsy. The accident was considered as fate.
- On 8/2/2010, **Mu'taz Salam Ashour**, an 18 year old male from Khan Younis was burned to death inside the family house while he was trying to fill up the electric generator with gas. According to **ICHR's** documentation, the Civil Defense Forces arrived on the scene and attempted to rescue him and put out the fire while the police opened an investigation into the accident.
- On 22/2/2010, three siblings (**Baseem, 9, Tarneem, 9, and Tasneem Abu Jameh 15**) from Bani Suheila City to the east of the Khan Younis District passed away. They were burned to death in their two-story house after a gas container burst into flames causing a big fire. The accident led to the death of the three siblings and the injury of their parents and a fourth brother. According to **ICHR's** documentation, the Civil Defense Forces arrived at the scene to put out the fire while the police opened an investigation into the accident.
- On 25/2/2010, **Ikhlas Ali Shakour**, a 17 year old female resident of Gaza city died from wounds she sustained on 5/2/2010 from a fire at her family's house. The fire erupted after the electric generator exploded inside the 6-story building. The victim was transferred to an Israeli hospital and passed away there.
- 2/2/2010, **Ra'd Tareq Abu Jabal**, a 10 year old child from Gaza suffocated to death because of a rope that was wrapped around his neck while he played on top of the roof of his house.

### ***Tunnel - Related Deaths***

**ICHR** documented 2 cases of tunnel-related deaths resulting from suffocations that took place in the tunnels at the Egyptian-Palestinian borders due to tunnels' collapse or electrical wiring.

### ***Death Sentences***

During the reporting period, **ICHR** documented the issuance of one death sentence in the West Bank as follows:

- On 22/2/2010, the district court in Gaza sentenced (A.Z. G.), to death on charges of first degree murder according to Articles (215, 214, 216) of the General Penal Code of 1936 effective in the Gaza Strip. The sentence is considered a precedent since it was issued by a civil court and in accordance with the Penal Mandate Code effective in the Gaza Strip, while the ratification of the sentence must be approved by the President of the PNA.

## **Injuries Due to Security Turmoil, Misuse of Arms and Internal Explosions in the Gaza Strip**

During the reporting period, **ICHR** documented the following injuries as a result of misuse of arms and internal explosions:

- On 2/2/2010, two children from Khan Younis, **Muhannad**, 4 years old, and **Muhyi Eddein Ahmad Sarsour**, 6 years old, were injured as a result of an explosive planted underneath a car owned by Yousef Mohammad Sarsour. The car was parked in front of the citizen's house and the shattered glass and shrapnel injured the two children. According to **ICHR** documentation, the police arrived to the scene and opened an investigation into the accident.
- On 4/2/2010, **Khaled Ahmad Samaneh**, a 44 year old citizen of Jabalya was shot in the chest and feet. According to **ICHR's** documentation, he was found deserted in a remote area in the eastern part of town. Then he was transferred to the Kamal Udwan Hospital in Beit Lahya. Considering the severe injuries he sustained, he was transferred to ICU in Al-Shifa' Hospital in Gaza city. The police arrived to the hospital and opened an investigation into the incident.
- On 5/2/2010, **Afnan Saleh Shakour**, a 3 year old female child sustained second degree burns caused by the explosion of an electric generator inside her family's house. According to **ICHR's** documentation, the Civil Defense Forces arrived to the scene for rescue and putting out the fire while the police arrived and opened an investigation into the accident.
- On 7/2/2010, **Mohammad Mahmoud Al Tayyan**, a 47 year old resident of Gaza was wounded due to several gunshots to the knee and feet. According to **ICHR** information, the citizen works as a doctor at the Ministry of Health in the medical examination unit. The accident occurred while the doctor was in his car heading to his work place at Abu Khadra government complex when he was met by two armed and masked individuals on a motorcycle who forced him to get out of his car. One of the attackers shot at his knees when he tried to escape while the other shot his left foot twice before they fled the scene. Some of the passer bys transferred the doctor to Al Shifa hospital in Gaza while the police arrived to the hospital and opened an investigation into the accident.

### ***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 the Gaza Strip. In **ICHR's** opinion, these practices should be prohibited, criminalized and punishable by law.

In February, **ICHR** continued to receive complaints on a monthly basis from citizens alleging that they had been subjected to ill-treatment and torture inflicted by the security agencies in both the West Bank and in the Gaza Strip

In the **West Bank**, **ICHR** received **10** complaints by citizens claiming that they had been tortured in the month of February. These complaints were against the following agencies:

- 9 complaints against the civil police
- 1 complaint against the General Intelligence

It is worthy of noting that claims of torture against the police are concentrated on the general administration of the public investigation; the forms of torture varied including severe beating, punching, hanging to the wall in addition to ill-treatment.

In the Gaza Strip, **23** 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 it included hanging to the wall, beating on feet, beating with batons and leather sticks, kicking various parts of the body in addition to ill-treatment to add insult to injury.

**2. Violations to 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 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 confined to detention centers.

In this regard **ICHR** received (**221**) complaints in the West Bank during the month of February, including (**120**) against security agencies, (**76**) of which focused on claims of the invalidity of the procedures following the detention as the arrest was either arbitrary or on political grounds.

As for the Gaza Strip, **ICHR** received (**53**) complaints during the month of February, including (**46**) against the security agencies of the Ministry of Interior of the Deposed Government, (**31**) of which claimed the invalidity of the procedures which followed their detention and arrest on political grounds.

**3. Attacks on Public Freedoms and attempted assault of Public Figures and Employees**

- On 15/2/2010, the police notified owners of all internet cafés in the Rafah District to close their cafes by 5:00 pm every day. According to owners' statements to **ICHR**, the police asked them to sign a letter of commitment to this decision and to hold responsibility upon that. The decision was issued by the Ministry of Interior and also includes internet cafés in other districts of the Gaza Strip.
- On 7/2/2010, gunshots were heard in the street where the office of PLC member Imad Nofal is located in Qalqilya district. It is suspected that PLC member Imad Nofal, who represents the Hamas Movement, was targeted noting that the member goes to his office at 4:00 pm

every day. The security agencies arrived to the area and began searching for the shooter who was suspected to be in a car and had escaped the scene.

- On 11/2/2010, unidentified armed individuals shot at the house of **Mustafa Ali Abdullah Sabri** a 43 year old journalist from Qalqilya. The shooter was not identified neither were the reasons behind the shooting. Prior to this incident, the house was pelted with stones around 7:00 pm on the evening of Monday 8/2/2010, the perpetrator was unknown. Also, on Tuesday 9/2/2010, unidentified individuals suspiciously drove by the house, stopped for a while then left the area in a hurry. After searching the area, a bullet was found in the fence which is believed to have been shot by a weapon. The police and the security forces arrived to the scene in large numbers and 18 suspects were arrested on the grounds of shooting, however, they were released due to the lack of sufficient evidence. The police are still investigating the incidents.
- On 27/2/2010, (**A. N. A**) from Qalqilya, a member of the special police in Jenin, beat Dr. Ahmad Salah Sukar and nurse Samah Nofal while they were carrying out their duties at Darwish Nazal governmental hospital in the city. The attacker came to the hospital several times before the accident. But on the day of the incident, he went into the hospital cursing at the hospital's procedures, then he lied down on a bed in the emergency room. Dr. Sukar approached him for examination and once he put the stethoscope on the patient, the latter pulled it away and punched the doctor and pushed the pregnant nurse in the belly. The patient's father and brother were there and took part in the attack. A member of the intelligence force that happened to be at the hospital interfered and arrested the attackers whom are now at the detention center of the General Intelligence in Qalqilya

#### **4. Attacks on Public Institutions and Public and Private Property**

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

- On 21/2/2010, in the evening hours, unidentified individuals broke into the premises of Seilet Al Harthiyeh municipality in the Jenin District and stole 5,470 NIS. On the following morning, the janitor called the police who, in turn, arrived to the scene. The municipality filed an official complaint and the investigation is still ongoing to locate the perpetrators.
- On 15/2/2010, unidentified individuals fired shots at the building of the police department in the Hebron district at night; no injuries were reported. The police pursued the perpetrators and some suspects were arrested. The investigation is still going on and if the suspects are found, they will be referred to the competent judiciary.
- On 2/2/2010, a bomb exploded underneath a car belonging to **Yousef Mohammad Sarsour**, an employee at the Islamic University in Khan Younis. The car was parked in front of his house and the explosion caused severe damages. According to **ICHR's** information, the Civil Defense Forces arrived on the scene and put out the fire. The police also arrived and opened an investigation into the accident.
- On 2/2/2010, a cafeteria in Gaza city owned by **Mohammad Zakaria Sawafiri** was set on fire by unknown individuals. The fire caused partial damages and according to **ICHR**, the police arrived on the scene and opened an investigation into the accident.
- On 4/2/2010, a bomb exploded at the entrance of Beit Hanoun on Salah Aldeen Street. The explosion took place when a convoy of four Red Cross jeeps passed by causing damages to parts of one jeep at the rear. According to **ICHR's** information, the police arrived to the scene and opened an investigation into the accident.

- On 13/2/2010, a bomb exploded underneath a monument dedicated to the martyrs of the General Secretariat of the Public Front. The monument is located in one of the squares west of Jabalya city. According to **ICHR**'s information, the police arrived on the scene and opened an investigation into the accident.
- On 19/2/2010, a bomb was placed nearby a fence that surrounds an agricultural land close to Ja'far Al Tayyar mosque west of Rafah. According to **ICHR**'s information, the police arrived on the scene and opened an investigation into the incident, after which two suspects were arrested.
- On 27/2/2010, a bomb exploded at the entrance of a metal factory owned by Khaled Ahmad Al Ghandour in Gaza city. The explosion damaged the front entrance of the store. According to **ICHR**'s information, the police arrived on the scene and opened an investigation into the incident.
- On 6/2/2010, the police shut down the Bukhari mosque in Rafah by sealing the entrance with tape. According to statements of individuals in charge of the mosque to **ICHR**, the Internal Security agency summoned them earlier to the agency's headquarter in Rafah and ordered them not to perform Friday prayer at the mosque. According to the police, this procedure was taken on the ground of using the mosque to trigger riots.

#### **4. Delayed Execution and Procrastination in the Implementation of Palestinian Court Judgments 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 failure to implement such a decision is a crime punishable by imprisonment or dismissal from office".

In this month, rulings and decisions issued by the Nablus District Court for the release of a number of citizens detained on the ground of "affiliation to militia" are still not being executed. Despite the actual payment of the specified bails, the security agencies insist on not releasing them.

During this reporting period, it was noted that the security agencies implemented the decisions made by the Supreme Court of Justice although they re-arrest the detainees after they had been released, based on new charges.

As for the enforcement of the Palestinian Supreme Court rulings, **ICHR** documented a number of complaints on the non-enforcement of decisions issued by the Supreme Court, as the executive authority, in both its civil and military arms, failed to enforce those decisions until the writing of this report. This applies to the following cases:

#### **First: Court Decisions issued in February, that have not yet been implemented, ruling in favor of the release of detainees due to lack of proper legal procedures during their arrest**

No	Name	Place of Detention	Date of detention	Date of issuance of the verdict
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1	Khaled Mohammed Khaled Abu al-Baha	The preventive security detention center – Ramallah	31/1/2010	2/2/2010
2	Sharif Waleed Ghanem	The General Intelligence detention center- Ramallah	2/9/2009	22/2/2010
3	Bara' Yousif Kifaya	The General Intelligence detention center – Ramallah	7/1/2010	8/2/2010
4	Fadi Hamad Ahmad Ghanem	The General Intelligence detention center – Ramallah	1/8/2009	3/2/2010
5	Ma'moun Ihsan Abdullah Ashour	Preventive security detention center – Nablus	31/12/2009	10/2/2010
6	Mohammad Ahmad Mahmoud Jaradat		31/3/2009	10/2/2010

**Second: Court Decisions, issued in previous months, that have not yet been implemented, ruling in favor of the release of detainees due to lack of proper legal procedures during their arrest**

No	Name	Place of Detention	Date of detention	Date of issuance of the verdict
1	Mohammad Rajab Shihdeh Fataftah	The General Intelligence detention center – Hebron	31/12/2008	10/1/2010
2	Muhannad Mahmoud Jameel Neiroukh	The General Intelligence detention center – Hebron	10/10/2008	19/1/2010
3	Wisam Azzam Abdul	The General	8/10/2008	19/1/2010

	Muhsen Qawasmeh	Intelligence detention center – Hebron		
4	Dia Eddein Hamdan Ali Musleh	The General Intelligence detention center – Nablus	27/8/2009	10/1/2010
5	Tareq Abdul Razeq Daoud Zeid	The General Intelligence detention center – Nablus	8/11/2009	12/1/2010
6	Khaled Jameel Khalil al-Saraj	The General Intelligence Service – Ramallah	Not mentioned in the complaint	12/1/2010
7	Joudeh Mohammad Daghra	The Military Intelligence Service- Ramallah	Not mentioned in the complaint	14/10/2009
8	Khalil Abdul Jaleel Khalil Shahateet	The Military Police headquarters- the military prison- Hebron	3/10/2009	29/12/2009
9	Abdul Salaam Jamal Abdul Salaam Abu el-Heija	The General Intelligence detention center – Nablus	16/11/2009	30/12/2009
10	Ahmad Tayseer Mohammad Ghanem	The Preventive Security detention center – Nablus	29/8/2009	24/11/2009
11	Omar Tayseer Mohammad Ghanem	The Preventive Security detention center – Nablus	30/8/2009	24/11/2009
12	Alla Tayseer Abdul Hafeth al-Surakji	The Preventive Security	14/1/2009	28/9/2009

		detention center – Nablus		
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In addition, administrative-related court decisions were issued during the past months, however the executive authority failed to enforce those decisions until the writing of this report. This applies to the following cases:

1. On 24/6/2009, the Palestinian Supreme Court of Justice 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 and the decision has not been enforced until the writing of this report.
2. On 22/4/2009, the Palestinian Supreme 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 individual was dismissed from the police service since 01/11/2007. Nevertheless, the court's decision remains 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 had 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 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. 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 (February).

According to **ICHR's** information obtained from officials of the Ministry of Interior of the Deposed government, the MOI in the West Bank does not send passport books for citizens in the 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 to seek medical care, university education, students and thousands of expatriates whose passports have expired and require renewal.

## 6. Dismissal from Public Office (dismissed teachers who were appointed when Hamas Government took office in 2006):

The Palestinian Ministry of Education continues to issue decisions for the dismissal or suspension of appointment of a number of school teachers and staff. In February 2010, (25) 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 (387). The aggrieved parties 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.