



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

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

1. Several death cases occurred due to different reasons including family disputes and negligence of public safety measures. Some of these cases happened in mysterious circumstances.
2. Torture of detainees continues in the Gaza Strip and the West Bank, as indicated by detainees' claims and complaints filed to ICHR.
3. Detention of persons without regard to due process and conditions of the Basic Law and the Criminal Procedural Code in both the Gaza Strip and the West Bank continues.
4. Non-implementation or procrastination of the courts' decisions. Cases that gained release decisions are then referred to the Military Judiciary and receive decisions of imprisonment.
5. Attacks on public freedoms, peaceful assemblies and defenders of human rights occurred.
6. The Ministry of Interior in Ramallah continues to deny issuance of passports to the Deposed government.

Below is a detailed description of the aforementioned violations:

I. Violation of the Right to Life and Physical Safety

ICHR monitored thirteen death cases during August in the Palestinian Controlled Territory (PCT) including (9) in the Gaza Strip and (4) in the West Bank. As for the cause of death; these cases were distributed as follows: Four cases were due to clans' disputes and manslaughter including (2) in the Gaza Strip and (2) in the West Bank; (4) cases occurred under mysterious circumstances including (3) in the Gaza Strip and (1) in the West Bank; (3) cases occurred due to negligence and lack of public safety measures including (2) in the Gaza Strip and (1) in the West Bank. The last two death cases among these thirteen cases are tunnel-related.

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

1. Deaths due to clan disputes and manslaughter:

ICHR monitored during the period, this report covers the following death cases, which occurred due to clans' disputes and manslaughter:

- On August 5, **Ayman Adib Al-Haj**, 19, from Gaza city, died of a gunshot wound to the head during a clan dispute. According to the information of ICHR, the deceased was wounded in a dispute between two families in Gaza city where firearms were used. The police arrived at the scene, ended the dispute, rushed the wounded to Al-Shifa' hospital in the city and arrested a number of suspects for investigation.
- On August 30, **Salama Ramadan Nabahin**, 33, from Al-Buriey city, died of multiple gunshots to different parts of his body during a clan dispute where firearms were used. The police arrived at the scene and arrested a number of suspects for investigation.
- On August 25, **Muhamad Yousif Asaad Tubeh**, 27, from the village of Kfar Jamal in the vicinity of Qalqilia, died of stab wounds. He was stabbed with a knife during a clan dispute. According to the information of ICHR, the incident occurred because of an earlier clan dispute. The killer handed himself over to the police which, in its turn, referred him to the public prosecution of Tulkarem to have a trial in accordance with the law.
- On August 28, the police of Jenin governorate found **Abdul-Kareem Walid Muhamad Jababreh**, 15, from the village of Jaba, dead. According to the information of ICHR, the deceased sustained several stab wounds to the chest and the waist. The killer who is fifteen years old boy admitted, after police investigation, that he stabbed the deceased with a knife due to a quarrel between both of them.

2. Death Cases under Mysterious Circumstances:

ICHR monitored during the period, this report covers, four death cases which occurred under mysterious circumstances including three in Gaza Strip and one in the West Bank as follows:

- On August 27, **Sami Muhamad Bukeir Anan**, 39, from Gaza city, was found dead in Al-Shifa' hospital in Gaza. According to the information of ICHR, the bereaved family received a telephone call from a friend of **Sami** informing them that their son's body was in hospital. The doctors there told the family that the cause of his death was an electric shock and an injection of poison given to him in the hand. The police arrived at the scene and opened investigation into the incident.
- On August 14, **Maysoon Abdul-Azeem Abu Mandil**, 11, from the village of al-Qrara in Khan Younis was found dead. According to the information of ICHR, her family found her hung with a veil inside their house. The police arrived at the scene and opened investigation into the incident.
- On August 17, **Jabryeh Mansour Abu Kunies**, 62, from Gaza city, died of a gunshot wound to her chest. According to the information of ICHR, Jabryeh was shot while she was sitting with her husband near their house. Gunshots were fired by unidentified persons driving a civil car with black glass. She died on her way to hospital. The police arrived at the scene and opened investigation into the incident.

- On August 8, **Huda Khalil Ismael Qawasmah**, 45, from Hebron, was found dead in her house. According to the information of ICHR, she died of a gunshot wound to the head; her body was transported to Hebron public hospital. The police and the public prosecution arrived at hospital. They arrested five suspects for investigation, but no details were revealed yet.

3. Deaths due to Negligence and Failure to Adopt Public Safety Precautions.

Three death cases occurred due to lack of public safety measures during the period this report covers including two cases in the Gaza Strip and one in the West Bank as follows:

- On August 3, **Ali Abdul-Muti Al-Sharfeh**, 25, from northern Gaza, died when he fell off Andalusia skyscraper in the northern governorate of Gaza. According to the information of ICHR, the skyscraper was not inhabited because it was partially demolished during the major Israeli aggression on Gaza. The police arrived at the scene and opened investigation into the incident.
- On August 16, **Zienat Alian Al-Umur** 40, from Khan Younis, died of burns she sustained when the house of her family burnt on August 11, 2010. According to the information of ICHR, the incident happened when **Zienat** was fuelling the lantern of her room with solar. She was rushed to hospital for treatment. The civil defence brigades arrived at the scene and extinguished the fire, and the police, in its turn, opened investigation into the incident.
- On August 16, **Muhammad Yasser Salahat**, 12, from the village of Fridees near Bethlehem, died of strangulation. The child strangled himself with a plastic rope hung on a tree near the house of his family. The police arrived at the scene and opened investigation into the incident.

4. Tunnel-related Death Cases

ICHR documented two death cases due to suffocation inside the tunnels on the Egyptian-Palestinian border.

5. Injury Due to the Misuse of Firearms

- On August 11, **Muhammad Munir Al-Jamlah**, 19, **Iyad Ryadh Matar**, 33, **Ahamad Abed Mater** 63, **Suhel Ahmad Mater** 36, **Khalid Muhammad Matar** 29, **Isam Ibrahim Nawajha** 59, **Kamal Hussien Keelani** 20 and **Anas Ahmad Hamadeh** 19 from Shiekh Radwan neighbourhood in Gaza city, sustained gunshot wounds to different parts of their bodies in a clan dispute where firearms were used. According to the information of ICHR, the police arrived at the scene and arrested a number of suspects for investigation.
- On August 22, **Bashir Muhammad Hamad**, 43, from the town of Beit Laheya sustained multiple gunshot wounds to his left foot while he was in car. According to the information of ICHR, while he was on his way back home along with his family, a civil car with four persons of whom two were masked and armed intercepted him. When he declined to get out of his car, he was shot in the foot in front of his wife and children. He

was rushed to hospital in the city. The police arrived at hospital and opened investigation into the incident.

6. 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 August 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 in the Gaza Strip.

In the **West Bank**, ICHR received during August (192) complaints against the security agencies including 18 complaints (9%) in which complainants claim that they were subjected to torture or ill-treatment.

These complaints were lodged against the following security agencies:

- Twelve complaints against the Police agency.
- Two complaints against the Preventive Security agency.
- Three complaints against the General Intelligence agency.
- One complaint against the Military Intelligence agency.

The torture allegations concentrated on different patterns of torture including: standing in a painful position "Shabah"; beating; punching; flogging; intimidation; psychological pressure; ill-treatment.

In the Gaza Strip, ICHR received during the same month 47 complaints against the security agencies. In nine of these complaints (19%) the citizens claimed that they were subjected to torture or ill-treatment during detention by the internal security and the police adhering to the Ministry of the Interior 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 position (Shabah) for long hours, flogging, tying the hands behind the back, suspension, blindfolding, beating using clubs and hoses, punching and ill-treatment.

II. Violation of the Right to Proper Legal procedures – Arbitrary Detention – politically-motivated Detention.

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 without any legal justification. Detainees are deprived of their major rights including access into civil judiciary. 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 several complaints from citizens who had been arbitrarily detained.

During August, the security agencies in Hebron arrested the directors of the PLC Change and Reform Bloc members' offices and a number of the PLC's members themselves and their relatives in the context of embarrassing them and pursuing any citizens who visit their offices.

During August, ICHR received (242) complaints in the West Bank including (192) against the security agencies. (107) complaints hinged on inappropriate detention procedures. The complainants were detained either arbitrarily or for political reasons.

In the Gaza Strip, it received during the month of August (57) complaints including (47) against the security agencies adhering to the MoI of the Deposed government in the Gaza Strip. In (25) complaints, citizens complained about inappropriate detention procedures and detention for political reasons.

III. Encroachment on the Freedom of Peaceful Assembly and Freedom of Press

The following violations of freedom of peaceful assembly and freedom of press occurred during the period this report covers:

- On August 25, while a group of the Palestinian factions and NGO representatives were holding a conference protesting the Palestinian agreement to engage in direct negotiations with Israel, a group of youths attempted to thwart the conference. According to the information of ICHR, those youths started shouting at the conferees accusing them of treason and collaboration. They were carrying the photos of the Palestinian President Mahmoud Abbas. When the chairman of the conference, Dr. Mamdouh Al-Aker, was given the floor, those youths stepped up their action spreading disorder and noise in the conference room. They replaced the motto of the conference with another motto. They grabbed the microphone from the hand of the conference chairman. The organizers of the conference walked out of the room in protest and organized a peaceful rally in Ramallah protesting such conducts.
- On August 4, police officers in the town of Khan Younis assaulted journalist Ahmad Mousa Fayyad, 36 years old. According to the affidavit ICHR received from him, when he was taking photographs inside the stadium where the Jordanian band of Paradise Birds were expected to start a festival, members of the police shouted at him, badmouthed and beat him. They also confiscated his camera, despite the fact that they were informed of his job as a journalist and correspondent of Al-Jazeera website. According to the information of ICHR, the head of the police investigated into the incident and returned the camera to him.
- On August 10, the police of Gaza city prohibited a sit in protest organized by the PFLP in the square of the Unknown Soldier in Gaza. According to the information of ICHR, the protest was organized to protest the electricity crisis in Gaza. The police arrived at the scene and asked the protestors to end the protest under the pretext of having no permit. The protestors refused that, but the police opened fire in the air and beat some of them with clubs and guns' butts. A number of the battered protestors were rushed to hospital for treatment.
- On August 5, the decision issued by the Minister of the Interior on July 11, 2010 prohibiting all civil servants quitting their jobs, to join any charities, NGOs or their boards, was announced. It also bans accreditation of any board of directors of these organizations should they have any of this category of civil servants among the members of their boards.

- On August 27, when MP Nayef Rajub was giving a Friday sermon at the mosque of “Dura Al-Kabeer”, the security forces wearing civil clothes beat persons attending the sermon with clubs to prevent him from giving the sermon. While MP Nayef was leaving the mosque to another one to deliver the sermon there, a struggle took place between him and a security officer. The security force (order and expeditious intervention force) broke into the mosque, worshippers and arrested tens of them.
- On August 27, while worshippers were exiting the mosque of “Khabab” in Hebron following midday prayer, security servicemen assaulted them with clubs under the pretext that they were attending a religious lecture organized by the Islamic Liberation Party inside the mosque.
- On August 14, the internal security agency sealed off the office of Rafah-based Refugees Popular Committee. According to the affidavit which ICHR received from the Committee’s chair, members of the internal security searched the office and asked all the persons who were there to leave. The internal security members are still stationed in the office without giving any justification.

IV. Assault on Human Rights Defenders

During August 2010, defenders of human rights were the target of the security agencies attacks. Members of the Change and Reform Bloc of the PLC in Gaza approved of a draft law of ICHR in the second reading. The aim of this law is to intervene in the work of ICHR in the Gaza Strip. ICHR issued a statement on August 26, 2010 demanding the members of the Change and Reform Bloc to back down on their decision and stop any measures, which might cause harm to ICHR and its activities. Further, it held a press conference where the Commissioner General of ICHR Dr. Mamdouh Al-Aker and its executive director Randa Siniora clarified the position of ICHR of such a step. Along the same lines, ICHR released a statement, on the eve of the Change and Reform Bloc members’ approval of the draft law in the first reading on August 12, demanding them to withdraw such a decision.

V. Assault on Public Institutions, public and private property.

- On August 13, a member of the security and protection agency opened his machinegun fire at Deir Al-Balah police center. The perpetrator turned out to be a son of one of the Deposed government’s ministers. According to the information of ICHR, his action was carried out in protest of the police's detention of his brother. The police agency arrested the perpetrator and held him in its center’s cell but released him later.
- On August 15, the kindergarten of Bisan primes run by Rafah-based Social Society of Al-Najdah was broken into. According to the affidavit ICHR received from the directress of the Society, unidentified persons broke the gate of the Society, stole the computer set, and caused damage to the work-related documents. They notified the police of the incident. It was stolen twice during the past two months and the police revealed no details.
- On August 19, Gaza Community Center which is adherent to Gaza Mental Health Program in Gaza city was broken into. According to the affidavit, ICHR received from deputy director of the program, unidentified persons stole a computer set, printer, router and UBS system from the Center’s Research Department. The police arrived at the scene and opened investigation into the incident.
- On August 9, a bomb went off under the car of advocate Mahir Ateyeh Abu Jabeh, 37 years old, from Gaza city. According to the affidavit, ICHR received from him, the incident occurred while his car was parked near his office in Al-Rimal neighborhood in Gaza city. His car was partially damaged.

He added that he received threats on his mobile phone on the same day of the incident. The police arrived at the scene and opened investigation into the incident.

- On August 6, a bomb went off in front of the house of Fatmah Muhammad Abu Khusah, 63 years old, from Gaza city. According to the information of ICHR, the blast caused damage to the external door of the house. The police arrived at the scene and opened investigation into the incident. Fatmah is the sister of Tawfiq Abu Khusa, a leader of Fatah movement, living in Ramallah today.

VI. Delays in Implementing Palestinian Courts' Decisions in the West Bank.

Non-implementation of courts' decisions and rulings during the month of **August** in the West Bank continued. Such conduct by the Palestinian courts regardless of their levels is a stark breach of the Palestinian Basic Law and article **106** of it in particular. Article 106 of the Palestinian Basic Law states that: "Judicial decisions are enforceable and any form of refraining from that is a crime punishable by imprisonment and dismissal from office".

As for the implementation of decisions of both the Palestinian High Court of Justice and the Court of First Instance, **ICHR** documented a number of complaints on the non-implementation of them. 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 August, 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	Place of detention	Date of detention	Verdict issuance date
1	Yousif Ahmad Yousif	General Intelligence Agency, Hebron	July 24, 2010	August 23, 2010
2	Anas Muhammad Zaytoun Halayka	General Intelligence Agency, Hebron	July 24, 2010	August 23, 2010
3	Ahmad Mahmoud Sahouri	Military Prison, Beth-Lehem	July 6, 2010	August 9, 2010
4	Abdul-Fatah Azzam Muhammad Al-Hassan	Preventive Security Agency, Ramallah	May 25, 2009	March 2, 2010. Appeared before military court on August 14, 2010 and adjourned till September 21, 2010.
5	Hamzeh Mahmoud Marei'	Preventive Security Agency, Ramallah	May 5, 2010	July 26, 2010
6	Mahdi Muhamad Khier Abdul-Rahim Nazzal	General Intelligence Agency, Nablus	April 29, 2010	December 20, 2009. Appeared before military court on January 20, 2010, sentenced to two years in

				prison
7	Muhammad Majid Ibrahim Marei'	Military Intelligence Agency, Nablus	January 30, 2010	June 28, 2010, a military court ordered his release but of no avail.
8	Muhammad Samih Afaneh	Preventive Security Agency, Ramallah	June 2, 2010	August 11, 2010

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

Number	Name	Place of detention	Date of detention	Verdict issuance date
9	Zyad Mousa Hamid	General Intelligence Agency, Ramallah	June 25, 2010	July 5, 2010
10	Muhammad Issam Dahir Sulaiman	Preventive Security Agency, Ramallah	April 2, 2010	July 5, 2010
11	Samir Issam Dahir Sulaiman	Preventive Security Agency, Ramallah	April 27, 2010	July 7, 2010
12	Juma' Saad Abu Jabal	General Intelligence Agency, Nablus	March 27, 2010	July 11, 2010
13	Nidal Mustafa Al-Asmar	General Intelligence Agency, Nablus	April 8, 2010	July 4, 2010
14	Mansour Khalil Dawabsheh	Military Intelligence Agency, Nablus	April 26, 2010	Appeared before military court on July 13, 2010. Sentenced to two months in prison. Despite serving in prison since April 26, 2010, the Military Intelligence Agency refused to release him.
15	Adel Muhammad Abed Shawawreh	Preventive Security Agency, Beth-Lehem	April 11, 2010	July 4, 2010
16	Musab Mustafah Al-Hur	Preventive Security Agency, Dahryeh	September 15, 2009	May 19, 2010
17	Numan Ahmad Ismael Darabie'	Preventive Security Agency, Hebron	January 25, 2010	May 10, 2010
18	Muhammad Ahmad Soukua	General Intelligence Agency, Ramallah	March 6, 2008	January 10, 2010
19	Sharef Walid Ghanim	Military Intelligence Agency, Ramallah	September 2, 2009	February 22, 2010
20	Mamoun Ihsan	Preventive Security	December 31, 2009	On February 10,

	Abdul-Allah Ashur	Agency, Nablus		2010, the military court of Nablus sentenced him s to two years in prison
21	Muhanad Mahmoud Jamil Nairoukh	General Intelligence Agency, Jericho	December 31, 2009	
22			October 10, 2008	January 19, 2010
23	Dia' Al-Din Hamdan Ali Mislh	August 27, 2009	Military Intelligence Agency, Ramallah	January 10, 2010. Appeared before the military court and had another session on July 11, 2010
24	Tareq Abdul-Razaq Daoud Zaid	Military Intelligence Agency, Nablus	November 8, 2009	ON January 12, 2010, sentenced to two years and a half in prison by a military court on charge of opposing PNA's policy.
25	Khalid Jamil Khalil Al-Saraj	General Intelligence Agency, Ramallah	Not mentioned	January 12, 2010, sentenced to a year and a half by a military court on charge of opposing to PNA's general policy
26	Judeh Mahmoud Dagreh	Military Intelligence Agency, Ramallah	Not mentioned	October 14, 2009, sentenced to twelve years in prison by a military court.
27	Ahmad Muhammad Yosri Ratib Al-Ewiwi	General Intelligence Agency, Jericho	September 15, 2009	February 3, 2010
28	Majd Mahir Ribhi Aubied	General Intelligence Agency, Jericho	October 11, 2010	February 3, 2010
29	Wisam Azzam Abul-Muhsin Qawasmeh	General Intelligence Agency, Jericho	October 8, 2008	January 19, 2010
30	Wajdi Anwar Saed Faradna	Military Intelligence Agency, Ramallah	August 24, 2009	March 14, 2010
31	Saed Abdul-Rahman Awadah	Preventive Security Agency, Hebron	January 12, 2010	April 18, 2010
32	Hassan Mustafa Zagheh	Military Intelligence Agency, Nablus	February14, 2010	Sentenced to two years in prison by a military court since December 14,

				2009, then a decision issued by the Supreme Court of Justice on April 12, 2010.
33	Majid Muhammad Yousif Awawdeh	Preventive Security Agency, Dahryeh	January 11, 2010	April 22, 2010
34	Jamal Hassan Hassaan Awadeh	Preventive Security Agency, Dahryeh	January 13, 2010	April 5, 2010
35	Abdul-Majid Issac Mahariq	Preventive Security Agency, Hebron	January 12, 2010	April 21, 2010
36	Tareq Ziad Hassan Shiekh	Military Intelligence Agency, Ramallah	March 21, 2010	May 17, 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:

- On 24\6\2009, the Palestinian High court of justice issued a decision revoking the Ministry of the 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 case of such 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.
- 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.
- 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 case of such 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.
- On 21\4\2010, the Palestinian High court of justice issued a decision reinstating **Muwafac 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.
- On 15\3\2010, the Palestinian High court of justice issued a decision stipulating reimbursement of the monthly salary of **Jawad Ali Issa Dawawin** with ex-post effect in keeping with article (94) of the civil service law of 1998. Jawad is working as an Imam for the Waqf directorate of southern Hebron. The decision hasn't been implemented yet.

VI. Violation of the right to Movement and Travel.

The ongoing suffering of the people of Gaza seems to continue because Gaza governorates have run out of passports since November, 2008 up to the period covered by this report.

According to the information ICHR received from officers of the 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 renewal.

VII. Dismissal from Public Service

The Ministry of Education and Higher Education continues to fire teachers and employees of its departments or stop the procedures of their appointment. ICHR received over the month of **August 2010 4** complaints against the Ministry in this regard. The number of the complaints lodged in this respect rose to **459** from January to August 2010. The complainants claim that they were fired by a decision of the Minister of Education and Higher Education claiming that they haven't attained a recommendation from certain departments which have no authority or mandate hereof. ICHR considers such a measure as a breach of the civil service law and the Palestinian Basic Law and an infringement of the citizens' right to assume public jobs on equal basis without discrimination.