



## Monthly Report on Violations to Human Rights and Freedoms In the Palestinian– Controlled Territory

June 2009

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 June 2009.

**Based on overall monitoring and documentation of encroachments on human rights and public freedoms during the month of June 2009, ICHR concludes the following:**

1. Armed clashes occurred between members of Hamas and members of the PNA security agencies in the city of Qalqilia in the West Bank that resulted in three deaths.
2. One case of death in detention occurred at the headquarters of the General Intelligence Services in the West Bank city of Hebron.
3. Cases of detention of individuals without regard to the due process and stipulated in the provisions of the Basic Law and the Code of Criminal Procedures, have been on the rise in both of Gaza Strip and the West Bank.
4. Torture of detainees persisted in both the Gaza Strip and the West Bank, as indicated by detainees' claims and complaints filed to ICHR.
5. The Ministry of Interior in Ramallah continues to deny the Deposed government of the supply of passport books while the Internal Security agency of the Deposed government continues to prevent the travel of citizens and officials from the Gaza Strip

Below is a detailed description of violations of human rights and public freedoms which occurred during the month of June 2009 :

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

**ICHR** documented (25) cases of death in the PNA controlled–Territory during June 2009 in the Gaza Strip (10 deaths) and the West Bank (15 deaths). In terms of cause of death, these cases are distributed as follows: (3 deaths) were attributed to armed clashes between

members of Hamas and members of PNA security agencies in the West Bank, while (4 deaths) were linked to violent family disputes and rivalry, all of which occurred in the West Bank. In addition, one more death occurred in the detention center administered by the General Intelligence agencies in the West Bank. Deaths on grounds of “family honor” totaled (3): (2) in the West Bank and (1) in the Gaza Strip. (4) lives were lost due to misuse of arms and detonation of suspicious objects in the Gaza Strip (3 deaths) and the West Bank (1 death). Furthermore, (2) deaths in the West Bank occurred in suspicious circumstances and (7) more deaths resulted from the non-adoption of safety precautions (5 in the Gaza Strip and 2 in the West Bank). **ICHR** also documented (4) other death cases as a result of accidents in the tunnels between the Gaza Strip and Egypt.

Below is a detailed description of the deaths that occurred during the month of June 2009:

### ***Deaths Due to Armed Clashes***

In June 2009, armed clashes erupted in the West Bank that claimed the lives of **three persons**. Below is a summary of this incident:

At 5:30 AM on 04/6/2009, armed clashes erupted in Qalqilia between a joint force of Palestinian Preventive Security and Internal Security agencies who carried out a sudden search and inspection of the home of Abdul Fattah Shraim located in the Shraim neighborhood. According to the security forces’ version of the events, the force was fired on during the search operation which resulted in the death of **Riyadh Zain Addin**, a 24-year old preventive security officer and resident of Majdal Bani Fadel town. An exchange of fire ensued that led to the death of two individuals, namely **Mohammed Atteyeh** (25 years old) and **Iyad Ibtli** (24 years old). A third person, **Alaa’ Diab** (28 years old), was wounded and transferred to the Qalqilia Public Hospital for medical care before being detained at the Preventive Security in Ramallah. All three persons have resided in the city of Qalqilia.

**In this regard, ICHR is in the process of preparing a fact-finding report with regard to the circumstances of the aforementioned incident.**

### ***Deaths in the PNA –Administered Detention Centers***

In the month of June 2009, one death in detention centers was registered. **Haitham Abdullah Obaid Amr**, a 34-year old native of Beit Al-Roush town in the Hebron District, died on 15/11/2009 in the detention center administered by the General Intelligence agencies in the city of Hebron. According to information obtained and documented by **ICHR**, the General Intelligence arrested Mr. Amr on 11/6/2009 upon an order from the Military Judicial Commission on 12/6/2009 without following proper arrest and detention procedures and without presenting him before the competent judicial authorities which has jurisdiction over civilians. Amr remained in detention until he passed away.

**An ICHR fact-finding report is underway to investigate the aforementioned incident.**

### *Citizens killed in family fights and acts of revenge as well as in incidents of manslaughter*

In June, the following three cases of death were due to domestic disputes and acts of revenge, all of which took place in the West Bank:

- On 30/6/2009, **Maher Abdul Latif Abu Sneineh**, a 29-year old male resident of Hebron, died of shots to the head during a family dispute. According to information obtained by **ICHR**, the police opened an investigation into the incident.
- On 14/6/2009, a security officer opened fire and fatally wounded a 22-year old female (**N. Sh**) in the head while she was in a vehicle in Al-Irsal neighborhood in Ramallah. **ICHR** obtained information that the incident was motivated by an earlier family dispute and that the police opened an investigation into the incident.
- On 3/6/2009, **Jihad Issa Diab Khalayleh**, a 39-year old male, died of knife stabs afflicted upon him by other individuals in the aftermath of a violent argument. **ICHR** was informed that the police opened an investigation into the incident.
- On 10/6/2009, **Ra'ed Saleh Sawalha**, a 15 year old male of Hijjej village in Tulkarem, died of suffocation as a result a rope being wrapped around his neck in a family dispute.

### *Fatalities caused by misuse of arms*

Four citizens lost their lives in June 2009 as a result of misuse of arms and the explosion of suspicious objects. Three cases occurred in the Gaza Strip and the fourth occurred in the West Bank town of Beit Amin in the Qalqilia district as detailed below:

- On 15/6/2009, a resident of Gaza city, Mr. **Luaa' Eddin Fawzi Najmi**, aged 22, died of several shots to the head and chest. According to information collected by **ICHR**, four armed individuals in a civilian vehicle intercepted Najmi's vehicle and opened fire on him. **ICHR's** information indicates that the police has already detained some suspects and is currently investigating the murder.
- On 10/6/2009, a 30-year old resident of Deir Al-Balah, **Mr. Mohammed Hassan Al-Hindi** died of shots to the head fired accidentally from his own rifle. According to **ICHR** information, the police opened an investigation into the incident.
- On 6/6/2009, **Samer Faraj Al-Dughmeh**, a 28-year old male of Abassan Al-Jadida, died of a shrapnel resulting from the explosion of a suspicious object found in one of the houses in the neighborhood. According to **ICHR's** information, the police opened an investigation into the incident.
- On 28/6/2009, a suspicious object exploded and killed **Inam Omar Azabeh**, a 35-year old female from Beit Amin village in Qalqilia.

- On 23/6/2009 **Abdul Aziz Mohammed Awad**, a 28 year old man from Rafah, was shot in the head while playing with his brother's shot gun. **ICHR** obtained information that the police is investigating the case.

### *Honor Killings*

During the reporting period, three honor killings were documented in the Palestinian Territory: two in the West Bank and one in the Gaza Strip:

- On 10/6/2009, a father strangled his 22-year old daughter (**Sh. A. S**) in Deir Al-Balah in the Gaza Strip. **ICHR** obtained information that the police arrested the suspected father and opened an investigation in the incident.
- On 6/7/2009, (**S. A. A. S**), a 32-year old married woman and a mother of six, was found dead in Hebron city. The body was wrapped in clothing ready for burial without informing of her death. The death was attributed to strangling as the woman was hung by a rope from a window in her home. Allegedly the killing was carried on the ground of protecting family honor. According to **ICHR's** information, the father of the victim was arrested and is currently being interrogated by the police.
- On 13/6/2009, the police discovered the dead body of a 22 year old female (**A.A. Gh**) at her family's home in the Hebron district. The body was found in a tightly closed room and the death was attributed to an honor killing. The Coroner's report stated that the cause of death is the ingestion of large amount of poison leading to her death nine hours before the police arrived at the crime scene.

### *Deaths in Suspicious Circumstances*

The following two cases of suspicious death were reported to have occurred in the West Bank during the month of June 2009:

- On 23/6/2009, one case of strangulation was reported in the town of Sinjil, Ramallah, that claimed the life of a 36 year old woman (**N. M**). The police is currently investigating the incident.
- On 23/6/2009, **Nu'man Mohammed Issa Al-Hroush**, aged 37, died in Qarawat Bani Zaid where his body was discovered next to an electricity pole.

### *Deaths Due to Lack of Safety Precautions*

**ICHR** documented seven cases of deaths due to lack of safety precautions that occurred in June 2009, including two in the West Bank and five in the Gaza Strip :

- On 16/6/2009 a female child, **May Alaa' Sami Abu Jhaisheh**, aged 2, drowned in the swimming pool Qasar Al-riyah park in her native town of Ithna, south of Hebron. The child was

dead upon her arrival to a private clinic in the town. The death was reported to the police and the Public prosecution inspected the body.

- On 20/6/2009, a male child of 9 years, **Amir Musa Ahmed Al-Atawneh**, died in one of the swimming pools in his hometown Beit Kahel, south of Hebron. After conducting a medical examination by the Public Prosecution and the Coroner, the Civil Public Prosecutor decided to hand over the body to the parents due to the lack of any criminal suspicion.
- **ICHR** documented the death of four citizens in Khan Younis as a result of fatal burn wounds on 9/6/2009. A cooking gas tank exploded outside a gas refilling store in Khan Younis owned by one of the town's residents. The following citizens died a few days apart:
  1. Mr. **Mahmoud Atef Abu Hattab**, aged 20, and Mr. **Azzam Hammad Yousef**, aged 57. Both passed away on 14/6/2009.
  2. Mrs. **Salwa al-Abed Yousef**, aged 40, died on 17/6/2009.
  3. Mr. **Yousef Jamal Yousef**, aged 21, died on 20/6/2009.
- On 29/6/2009, Mr. **Jibreel Hamad**, aged 22, died when a four-storey building owned by Al-Jarw family collapsed as it was under reconstruction. It should be noted that the building is located in the eastern part of Gaza City and was shelled during the latest Israeli aggression on the Gaza Strip.

In addition, **ICHR** documented four cases of death resulting from the collapses of tunnels located on the Palestinian Egyptian borders. Tunnels accidents involved collapse, falling and fire incidents where deaths ensue from either suffocation, burns or falling into the tunnels.

### ***Torture under detention – Inhumane, cruel and degrading treatment***

**ICHR** expresses its deepest concerns about the persistence of practices by which detainees' rights are violated at the hands of the security agencies. **ICHR** considers all forms of ill treatment and torture committed by the security agencies in the West Bank and the Gaza Strip as illegal acts that should be prohibited, criminalized and punishable by law. In June, **ICHR** has continued to receive complaints on a monthly basis from citizens alleging that they have been subjected to maltreatment and torture inflicted by the security agencies in the West Bank and the Gaza Strip.

In the West Bank, **ICHR** received (12) complaints related to torture in the month of June against all security agencies (the General Intelligence, Preventive Security, and civil police)

In the same reporting period (13) similar complaints were lodged at **ICHR** against the two security agencies in the Gaza Strip, run by the Ministry of Interior of the Deposed government (the Internal Security agency and the police).

## **2. Violations of the Right to Proper Legal Procedures - Arbitrary Detentions and Arrests on Political Grounds**

**ICHR** is deeply concerned by the continuation of incidents of arbitrary detentions and political arrests that do not comply with fair and proper legal procedures and deny citizens' their personal

freedoms without any respective legal justifications. One of the most fundamental right has been violated when detained citizens are deprived of their right to be presented before a natural judge (i.e. regular judiciary) in stark violation to the Palestinian Basic Law and the Penal Procedural Code. Arbitrary detention practices continued at different paces in both of the West Bank and Gaza Strip in June and reached a point where the Security agencies conduct arrests and detention of citizens upon orders and warrants issued by governors or police directors without any legal justification.

**In this regard ICHR received (189) complaints in the Gaza Strip during the month of June, including (149) against security agencies of the Deposed government. In (143) of these grievances, the affected citizens cited the invalidity of the procedures followed in the detention.**

The peculiarity of arbitrary detention in the Gaza Strip stems from the fact that such measures are often carried out by the Internal Security agencies in places that have never been designated as "prisons". In addition, permission for visitation by the detainees' families or **ICHR** representatives has not been granted, especially during the month of June 2009.

In the West Bank, **ICHR** received **(262)** complaints, **(148)** of which were against the PNA security apparatuses. In **(104)** of these cases citizens claimed the impropriety of the arrest and detention procedures.

### **3. Attacks on Media Freedoms and the Right to Association and Peaceful Assembly**

**ICHR** documented one incident of violation of media freedoms and the right to peaceful assembly that occurred in the Gaza Strip in June 2009. On 27/6/2009, a police force took over the offices of Dar Al-Funoon Society for Arts and Culture in Jabalia city. According to information obtained by **ICHR**, the police confiscated the keys to the office and ordered the Society's staff to leave the premises. Members of the police are still occupying the premises until the writing of this report.

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

In June 2009, **ICHR** registered the one attack on public and private property. On 2/6/2009 five masked and armed persons attacked Al-Ameer Café in Deir Al-Balah and physically assaulted the owner, Mohammed Abu Saleem and his brother Mahmoud who works there. The attackers poured Kerosene on the two brothers and threatened to set them on fire. The café was burned down with all of its contents and the attackers threw a hand grenade which failed to detonate. Information collected by **ICHR** shows that a police investigation has been launched.

### **5. Delayed Execution of Court Judgments**

Any failure to enforce the decision of the Palestinian courts, regardless of their nature or level, is considered a forthright violation of the stipulations of the Palestinian Basic Law, and more notably Article (106) which states that: "Judicial decisions are enforceable and any form of defaulting on their implementation is a crime punishable by imprisonment or dismissal from office in accordance with the provisions of the law."

In June 2009, Palestinian regular courts, particularly in the city of Nablus, issued a number of rulings and decisions for the release of certain citizens detained on the ground of “affiliation to militia”. Despite the actual payment of the specified bails, the security agencies are not willing to release them, in contradiction to the decision of the court.

As for the enforcement of the Palestinian Supreme Court rulings in the past few months calling for the release of several detainees, the PNA security agencies in the West Bank, particularly the General Intelligence and Preventive Security, have not yet complied with the Court’s rulings. This specifically applies to individuals whose detentions were carried out upon orders from the Head of the Military Justice Authority. It should be noted that the continuation of their detention amounts to “usurp of power” and a “deprivation of personal freedom” intrinsically safeguarded by Articles (11) and (12) of the Palestinian Basic Law, unless the same individuals are indicted or under investigation for other cases.

In this regard, **ICHR** received and processed a number of citizens' complaints on the non-enforcement of release rulings issued by the courts in the previous months which remain unimplemented until the writing of this report.

The major cases of non-enforced court decisions are:

- On 18/3/2009, the Palestinian High Court of Justice issued a decision for the release of **Firas Wael Tallab Abu Sharekh**, who has been held at the Preventive Security detention center in Al-Thaheryya since 22/10/2008 in the custody of the Head of the Military Judicial Commission. The decision remains unimplemented to this date.
- On 05/01/2009, the Palestinian High Court of Justice ordered the release of **Ahmed Mohammad I'mar** who has been held at the Preventive Security detention center in Al-Thaheryya since 4/11/2008 in the custody of the Head of Military Judicial Commission. The decision remains unimplemented to this date.
- On 11/3/2009, the Palestinian High Court of Justice ruled in favor of the release of **Barakat Abdulwed Abdul-Halim Al-Qasrawi** who has been held by the Preventive Security detention center in Al-Thaheryya since 30/11/2008 in the custody of the Chief Military Justice. The decision remains unimplemented to this date.
- In March 2009, the Palestinian High Court of Justice issued a decision for the release of **Asad Nimer Mafarjeh**, who has been detained by the Palestinian Preventive Security agency in the city of Ramallah on the grounds of his political affiliation. Until the time of reporting, the court judgment had not yet been executed.
- On 23/03/2009, the Palestinian High Court of Justice ruled for the release of **Abdul Karim Hussein Abdul Karim al Halayqah** upon orders from the head of the Military Judicial Commission since 17/01/ 2009. So far, the court’s decision has not been put to effect.
- On 31/12/2008, the Palestinian High Court of Justice issued a decision for the release of **Ibrahim Eid Yamen Hathalin**, who has been detained by the Preventive Security at the Al-Thaheyya Detention Center since 4/11/2008 according to an arrest warrant made by the Head of the Military

Judicial Commission. So far, the High Court's decision has not been implemented under the pretext that the Preventive Security agency has not been officially notified of the court's release decision.

## **6. Violations to the Right to Travel and Movement**

During the month of June 2009 the following violations to the right of travel and movement were noticeable:

- Gaza residents are still suffering from the unavailability of passport books since November 2008. According to information obtained by **ICHR** from officials from the Ministry of Interior of the Deposed government, the Ministry of Interior in Ramallah does not send passport books for citizens in the Gaza Strip. This entails depriving thousands of people from the right to travel and movement in general which affects most of those in urgent need for traveling abroad to seek medical care, university education, students and other expatriates whose passports have expired and require renewal.

It should be noted in this regard that a presidential decree was issued by President Abbas on 25 August 2008, ordering competent parties in the Caretaker government in Ramallah to take the necessary administrative procedures in order to resume sending passport books.

- In addition, the following incidents of denial of travel and movement were documented particularly in Gaza Strip. On 26/06/2009, nine citizens were banned from travelling to the West Bank through the Beit Hanoun crossing, namely: Ahmed Nassr, Ibrahim Abu Najja, Abdul Rahman Hamad, Sulieman Abdul Razeq, Masso'ud Al-Ra'ai, Saleem Al-Zrai'ai, Samih Nassr, Fatmeh Birnawi, and Abdul Kareem Nassar. All nine are members of the Fateh Revolutionary Council and were going to Ramallah to participate in the preparatory meetings for the sixth convention of Fateh Movement. Police forces intercepted them, searched their vehicles, and withheld their identity documents before ordering them to return to Gaza.

## **7. Dismissal from Civil Service (dismissed teachers who were appointed when Hamas Government took office in 2006):**

For the fifth consecutive month, 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 2009, (8) more complaints were filed to **ICHR** thus increasing the total number of teachers' dismissal or suspension complaints filed to **ICHR** over the past seven months to (226). The aggrieved stated that their dismissals were made upon decisions by the Minister of Education and Higher Education under pretexts such as the non-obtainment of security clearance or approvals of their appointments from parties that are not the competent authorities to begin with or mandated by the law to assume such a responsibility. **ICHR** deems that such measures violate both the Palestinian Basic Law and Law of Civil Service, not to mention the infringement on citizens' right to assume public office equally and without discrimination.