



الهيئة المستقلة لحقوق الإنسان

ديوان المظالم

The Independent Commission for Human Rights



Monthly Report on Violations of Human Rights and Freedoms In the Palestinian-controlled Territory July 2009

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 July 2009.

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

1. Several cases of suspicious deaths occurred in the West Bank as well as one honor killing in the Gaza Strip.
2. Torture of detainees persists in the Gaza Strip and West Bank, as indicated by detainees' claims and complaints filed at ICHR
3. Palestinian security agencies continue to deny ICHR representatives the right to visit detention centers in the West Bank and the Gaza Strip
4. Detention of individuals without due process as stipulated in the provisions of the Basic Law and the Code of Criminal Procedures prevails in both the Gaza Strip and the West Bank.
5. The Internal Security in the Gaza Strip increasingly denies citizens the right to travel, while 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 (8) cases of death in the Palestinian-controlled Territory during July 2009 including (3) deaths in the Gaza Strip and (5) deaths in the West Bank. In terms of cause of death, these cases are distributed as follows: (3) deaths were linked to violent family disputes and rivalry, two occurred in the West Bank and one in Gaza; one case of death on the grounds of the so-called “family honor” in the Gaza Strip. Furthermore, two lives were lost due to misuse of arms in the West Bank and the Gaza Strip, and two deaths occurred in suspicious circumstances in the West Bank. In addition, **ICHR** documented four other death cases as a result of tunnels accidents in the Gaza Strip.

The following depicts some clarification on the death toll during the month of July:

Deaths Due to Fights or Family Disputes and Acts of Revenge

In July, three deaths occurred in the Palestinian-controlled Territory due to family rivalries and acts of revenge - two in the West Bank and one in the Gaza Strip, as detailed below:

1. On 4/7/2009, **Firas Shafiq Emraizek**, a 34-year-old resident of Ithna, Hebron, died after sustaining bullets to the head and chest. He was found wounded in his own car near Halhoul and was transferred to Al-Ahli hospital in Hebron where he was pronounced dead upon arrival. According to **ICHR's** information, Hebron police made a number of arrests and the search for the killer continues.
2. On 9/7/2009, **Jihad Mohammad Said**, a 50 year old resident of Karmeh, Hebron, was shot by two bullets to the head and neck. The shooting occurred as an act of revenge between the victim's family and another family in the city of Hebron. According to **ICHR's** information, the police arrested the shooter three days later and he is charged with murder.
3. On 5/7/2009 **Hazem Hussein Barham**, a 22 year old resident of Khan Younis, dies of stab wounds caused by a sharp instrument to various body parts. **ICHR** obtained information that the police arrested two suspects and opened an investigation into the incident.

Deaths due to Misuse of Arms and Manslaughter

Two citizens lost their lives in July 2009 as a result of the misuse of arms in the Gaza Strip and the West Bank as detailed below:

1. On 5/7/2009, **Mohammad Nidal Al-Hirbawi**, a 47 year-old resident of Hebron, was shot in the back of the head and died on the spot. The police investigation deemed the shooting accidental and unintentional and the death was announced at the Hebron Governmental Hospital. **ICHR** received information that the shooter is a minor who was arrested and referred to court for the necessary legal action.
2. On 27/7/2009, **Mohammed Atwa Astal**, an 18 year old resident of Khan Younis, died of shot wounds to the head. **ICHR** information shows that the incident occurred on 23/7/2009 near the victim's home in a neighborhood North West of Khan Younis. At the time of the incident, heavy gunfire was heard from the previous Israeli settlements in the area which are used by the armed groups for training. The police arrested a suspect and is currently investigating the incident.

Honor Killings

During the reporting period, one death on the ground of so-called family honor was reported in the Gaza Strip. On 23/7/2009, **(S. T)**, a 27 year old woman was killed by her father in Jabalia, who turned himself in to the police and confessed to the killing. He claimed that he found a mobile phone in her possession and that she was taking to an unidentified person. **ICHR** received information that the police placed him in custody and opened a investigation into the incident.

Deaths in Suspicious Circumstances

The following two cases of suspicious deaths were reported to have occurred in the West Bank during the month of July 2009 as summarized below:

- On 15/7/2009, the body of a 22 year old resident of Yatta, (**A. S. M. D**), who was a married mother, was found the family home hanging by a rope from the ceiling. The investigation by the police and public prosecution and the medical examination concluded that there was no foul play behind the incident and released the body for burial.

- On 28/7/2009 the body of Omar Khalil Ibrahim Fawaghra was found by the Bethlehem police. The deceased was a 44-year-old resident of Artas, Bethlehem, who was institutionalized in a mental health care facility in the city. **ICHR** obtained information that the deceased escaped from the hospital on 27/7/2009 and hid in a mountain near Artas. A report issued by the Bethlehem Public prosecution clarified that death was accidental as a result of falling from a high place.

Deaths due to Explosions

On 21/7/2009, a locally-made device was placed and exploded under a wedding platform in Khan Younis celebrating the marriage of Mohamed Dahlan. **ICHR** information shows that (60) citizens were transported to the European and Nasser hospitals in the city after sustaining injuries in the aforementioned festivities. The police made some arrests and is still investigating the problem.

In addition, **ICHR** documented (12) cases of deaths resulting from the collapse of tunnels located at the Palestinian Egyptian borders. Tunnel accidents involved collapse, falling and fire incidents where deaths ensue from either suffocation, burns or falling into the tunnels.

Torture during Detention: Cruel and degrading treatment

ICHR expresses its deepest concern regarding the persistence of practices by which the infringement of detainees' rights and physical safety continues at the hands of the security agencies. **ICHR** considers all forms of maltreatment 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 July, **ICHR** has continued to receive complaints on a monthly basis from citizens alleging being subjected to maltreatment and torture inflicted by the security agencies in the West Bank and the Gaza Strip.

In the West Bank, **ICHR** received (28) complaints of torture in the month of July against all security agencies (the General Intelligence, Preventive Security, and civil police)

For the same reporting period (9) similar complaints were lodged to **ICHR** against the two security agencies in the Gaza Strip, run by the Ministry of Interior of the Deposed Government (the Internal Security and the police).

2. Violations of 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 particular 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) 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 and reached a point where the Security agencies conducted arrests and detention of citizens upon orders and warrants issued by governors or police directors without any legal justification.

In this regard ICHR received **(69)** complaints in the Gaza Strip during the month of July, including **(55)** against security agencies of the Deposed Government. In **(24)** 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 agency in places that have never been designated as "prisons" and without granting permission for visitation by the detainees' families or **ICHR** representatives, most notably during the month of July 2009.

In the West Bank, **ICHR** received **(198)** complaints, **(136)** of which were against the PNA security apparatuses. In **(101)** of these cases, citizens claimed the impropriety of the arrest and detention procedures.

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

ICHR documented four incidents of violations of media freedoms and the right to peaceful assembly in July 2009.

- On 15/7/2009 the Ministry of Information ordered the closure of the West Bank office of Al Jazeera Satellite Channel in Ramallah due to the broadcast of statements made by Farouk Kaddoumi. **ICHR** intervened by sending letters to the President of the Council of Ministers and the Minister of Information. **ICHR** pointed out the illegality of this procedure since it preempts the issuance of a court decision on this matter. Consequently, Al-Jazeera was allowed to resume work until a judicial decision is issued.

- On 18/7/2009 the Palestinian security services in the city of Hebron prevented members of Hizb Al Tahrir (Liberation Party) from holding a symposium on "The anniversary of the destruction of the caliphate," which was scheduled to be held in the Palestine Hall under the pretext that the organizers had not acquired a permission to hold the event

- On 4/7/2009 security agencies in Ramallah similarly banned Hizb Al Tahrir from holding its annual public conference entitled "Caliphate" in Ramallah Secondary School for boys. According to the testimony of the **ICHR** field researcher, this ban violates the right of the Palestinian citizens to peaceful assembly enshrined in the international covenants and the Palestinian laws.

- On 14/7/2009, a police force raided the wedding of Yousef Abdul Hakim Madhoun in Beit Lahia under the pretext of public display of Samih Al-Madhoun pictures by some family members and guests. It should be noted here that Samih Al-Madhoun was killed by Hamas gunmen in 2007. **ICHR** documented testimonies from a number of attendees who stated that

the police attacked the ceremony and physically assaulted attendees with batons. Shots were randomly fired in the air which has led to the injury of four persons including two women. The wounded were all transferred to Kamal Adwan Hospital in the city for medical treatment.

4. Attacks on Public and Private Property

In July 2009, **ICHR** registered the following cases of attacks on public and private property.

- On 21/7/2009 unidentified persons broke into the headquarters of the Central Election Commission in Hebron and stole (7) computers. The incident was reported to the police and an investigation is under way to identify the perpetrators.

- On 27/7/2009, unidentified persons poured gasoline and set fire to the theatre of Nablus Shopping Festival, which is located in the center of the city. The theater which was built to international standards was fully burned down including all lighting and sound networks, TV transmission equipment, refrigerators, tents, etc. The total loss was estimated to 178,000 NIS. The police inspected the place and is currently investigating the incident.

- On 1/7/2009, unidentified individuals burned down the vehicle of Imad Sawaftah, the head of Bardalla village council after midnight. The owner and his family unsuccessfully attempted to put the fire out. Some citizens reported that certain residents complain over the installation of prepaid electricity meters. The Palestinian security agencies did not arrive on the scene because the village is located in Area C which is not under the control of the Palestinian Authority. Nevertheless, the incident was reported to the Palestinian police which opened an investigation into the incident.

5. Delayed Execution and Procrastination in the Enforcement of Palestinian 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) that states that: “Judicial decisions are enforceable and any form of defaulting on their implementation is a crime punishable by imprisonment or dismissal from office in accordance with the provisions of the law.”

In this month, Palestinian regular courts, particularly in the city of Nablus, issued a number of rulings and decisions for the release of a number of citizens detained on the ground of “affiliation to militia”. Despite the actual payment of the specified bails, the security agencies insist on not releasing them as ordered by 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.

During July 2009, the Preventive Security agency implemented all Supreme Court decisions and rulings in favor of citizens, including the cases monitored and followed up by **ICHR** during the last few months.

However, the **General Intelligence agencies** in Hebron withholds **Ali Mahmoud Mohammed Rashid** in custody since his arrest on 4/6/2009 in the custody of the head of the Military Judiciary Commission. It should be noted that on 14/7/2009 the Supreme Court of Justice ruled for his immediate release but the decision remain unimplemented until today, as stated in the complaint filed by the detainee's family.

6. Violations of the Right to Travel and Movement

During the month of July 2009 the following violations of 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 that **ICHR** obtained from officials of the Ministry of Interior (MOI) of the Deposed Government, the MOI 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 those in urgent need for traveling abroad to seek medical care, university education, students and other expatriates whose passports expired and require renewal.

- In addition, the following incidents of denial of travel and movement were documented particularly in the Gaza Strip:
 - On 7/07/2009, elements of the Internal Security stationed in the vicinity of Beit Hanoun border crossing stopped two citizens and banned them from travelling to the West Bank, namely: Zainab Alwazeer, the PNA Deputy Minister of Education and Higher Education, and Musa Alwazeer, the advisor to the PNA Ministry of Finance
 - On 22/7/2009, the Internal Security also prevented the following persons from traveling to the West Bank through the Beit Hanoun Crossing (Erez): Walid Ayoub, the Vice President of the Palestinian Olympic Committee, Ibrahim Abu Salim, the Vice-President of the Palestinian Football Association, and Ibrahim Al-Akkad, a member of the Palestinian Football Association.
 - On 26/7/2009, the Police and the Internal Security prevented the following women members of Fatah from crossing to the West Bank: Sana' Shaat , Siham Al-Qarm, I'tdal Abu Amar, and Zeinab Arafat. The security agencies searched the vehicle, luggage and withheld their ID cards and passports.
 - 28/7/2009, the Internal Security summoned the following citizens, all of which are from the Middle districts: Kamal Al-Souri, Ayman Almasder, Ibrahim Abu Samra, Mahmoud Al-Qalqili, Sa'id Abu Msubh, Adel Naji, Husam Abu-Zayed, Hassan Sharif, Sami Abu Thaher, Ashraf Al-Ghaffari, Ibrahim Abu Salim, Suleiman Abu Nadi, Ali Alna'aouk, Maher Nsman, and Ali Altehrawi. It should be noted that the aforementioned citizens

are members of General Assembly of the Fatah movement and were informed that the travel ban aims to halt their participation in the Fatah conference that is expected to convene on August 4, 2009 in Bethlehem until the release of Hamas detainees from the West Bank detention centers.

- During the month of July, tens of citizens from all Gaza Districts were summoned to the Internal Security Headquarters in Gaza on the ground of their membership in the Sixth Conference of the Fatah movement. Their personal identity documents were withheld by the Internal Security which informed them that their travel is linked to the release of Hamas detainees in the West Bank, and the resumption of passport books supply from the Authority in Ramallah.

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

For the eighth 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 July 2009, (3) 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 (229). The aggrieved stated that their dismissals were made upon decisions by the Minister of Education and Higher Education under pretexts such as the non-obtainment of security clearance or approvals of their appointments from parties that are not the competent authorities to begin with or mandated by the law to assume such a responsibility. **ICHR** deems that such measures violate both of the *Palestinian Basic Law* and *Law of Civil Service* not to mention their infringement on citizens' right to assume public office equally and without discrimination.