



Monthly Report on
Violations of Human Rights and Public Freedoms
in the Palestinian-controlled Territory
June 2012

This monthly report highlights major human rights violations monitored and documented by the **Independent Commission for Human Rights (ICHR)** throughout the Palestinian-controlled Territory during June, 2012.

Based on ongoing monitoring and documentation of violations of human rights and public freedoms during the month of June 2012, **ICHR concluded the following:**

- Death cases and injuries occurred due to fall of home-made rockets and arms misuse.
- Allegations of torture and ill-treatment by detainees in the West Bank and Gaza Strip at the hands of the security services continued according to the complaints filed with ICHR.
- Detention without due process continued in the West Bank and Gaza Strip.
- Non-enforcement of courts' decisions continued in the West Bank.
- Assault on the rights to peaceful assembly and freedom of press continued in the West Bank and Gaza Strip.
- The detainees held by the General Intelligence Agency started a hunger strike protesting the Intelligence Agency non-enforcement of courts' decisions of their release.

Violations in detail: 2978430

I. Violation of the Right to Life and Physical Safety:

ICHR monitored **13** deaths during June, 2012 in the PCT including **9** cases in the Gaza Strip and **4** in the West Bank. As for the cause of death, they were distributed as follows: **5** deaths occurred in Gaza Strip due to fall of home-made rockets and firearms misuse, and **6** deaths occurred under mysterious conditions of which **4** in the West Bank and **2** in the Gaza Strip. Two other deaths occurred in Gaza Strip due to tunnel related incidents and another two occurred in the West Bank due to medical mistakes.

More details on the death toll during the month of June, 2012:

1. Deaths due to fall of rockets and misuse of firearms:

ICHR monitored during the period covered by this report **5** deaths that occurred in Gaza Strip due to firearms misuse:

- On the first of June, Iyad Hassan Abu Shahmeh, 20 years old, from the neighborhood of Sheikh Nasir in Khanyounis city died of a bullet wound in the abdomen. According to the information of ICHR, he was wounded by several fire bullets fired mistakenly by his father from “Clashinkov” gun. He was rushed to hospital but succumbed to his wound. The police arrived at the scene and arrested the suspect for interrogation.
- On 19 June, Hadil Ahmad Hadad, one year and a half, from Zaytona neighborhood in Gaza city died of shrapnel wound in the head. According to the information of ICHR, she was wounded next to her grandfather’s home when a home-made rocket mistakenly fell on their home. She was rushed to al-Ahli Hospital in the city and then to al-Shifa’ Hospital but succumbed to her wound. The police arrived at the scene and opened investigation into the incident.
- On 23 June, Mutaz Shawaf, 5 years old, from Abasan Town Eastern Khanyounis died for home-made rocket’s shrapnel wounds. According to the information of ICHR, the child was wounded when a rocket fell and exploded in a football playground where the child was standing. The police arrived at the scene and opened investigation into the incident.
- On 27 June, Abedrahman Zuhair Rayan, 22 years old, from Jabalia refugees’ camp, working as policeman in the protection and security unit in Gaza, died of a fire bullet wound in the neck. According to the information of ICHR, he was wounded while he was lubricating his gun. A bullet was mistakenly fired into his neck and penetrated his head. The police arrived at the scene and opened investigation into the incident.
- On 24 June, Muhammad Samir Qashta, 22 years old, from Rafah city, died of a bullet wound in the head. According to the information of ICHR, he was wounded while he was driving his motorcycle back home near a crowd of people celebrating the victory of the Freedom and Justice Party in the Egyptian presidential election. Some participants in the celebrations were shooting in the air wounding him mistakenly. He was rushed to Abu Yousif al-Najar Hospital but succumbed to his wound there. The police arrived at the scene and opened investigation into the incident.

Presenting the abovementioned cases, we notice that home-made rockets and firearms misuse caused death to a number of citizens in the Gaza Strip. This requires from the competent

authorities to take the measures necessary to handle this phenomenon and compensate the victims against the injuries and damages incurred by them.

2. Death under mysterious conditions:

ICHR monitored during the period covered by this report **6** deaths which occurred under mysterious conditions of which **2** in Gaza Strip and **4** in the West Bank:

- On 3 June, Ahlam Ibrahim al-Najar, 24 years old, from Rafah city, died of bullet wound in the head. According to the information of ICHR, she was found dead inside her house with a pistol belonging to her husband who was outside the house, beside her. The police arrived at the scene and opened investigation into incident.

- On 20 June, Muhammad Mazen al-Dahshan, 30 years old, from Sabreh neighborhood in Gaza city, taxi driver, died of knife stab. According to the information of ICHR, he was found dead near Sama Tourists Resort on Gaza beach. The police arrived at the scene, after being notified and opened investigation into the incident.

- On first of June, Omar Mirshid Abu al-Jarayesh, 43 years old, from Kharas town near Hebron, died of bullet wound in the chest while he was standing near his house. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The public prosecution ordered referral of the deceased's body to the forensic institute for autopsy.

- On 11 June, Manar Fares Ali Abu Zahra, 24 years, was found dead in a well near her house in Wadi al-Hariya near Hebron. According to the information of ICHR, the police arrived at the scene, pulled the corpse from the well and referred it to Hebron's Public Hospital. The public prosecution ordered autopsy of the body to identify the cause of her death.

- On 18 June, Nael Ahmad Haj Muhammad, 38 years old, from Nablus, died in Rafidia Public Hospital due to medical negligence. ICHR is following up the incident with the Ministry of Health.

- On 9 June, Muhammad Turkey Muhammad Hadush, 23 years old, died of falling while participating in a football match in Hebron. When he fell down, he sustained a fracture in his foot and died after being admitted to al-Ahli Hospital in the city under reportedly mysterious conditions. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The public prosecution ordered autopsy of the body.

ICHR believes that the official authorities including Public Prosecution and Ministry of Health should investigate all suspicious death cases that occur in hospitals and publish the results of the investigation. They should also focus on suspicious deaths of women.

3. Tunnel-related deaths:

- On 6 June, Momen Ismael Mousa, 22 years old, from Rimal suburb in Gaza city, died of a tunnel collapse over him near the Palestinian Egyptian border.

- On 13 June, Ghassan Ramadan Abu Radwan, 40 years old, from the town of Khuza' Eastern Khanyounis, died of a barrel of gravels that fell over him in a tunnel near the Palestinian Egyptian border.

4. Injury due to misuse of firearms- internal explosion:

- On 18 June, (Bara', 12, Ganaat, 4, Mai Azzam Hamad, 3) from the same family, living in Bet Hanun, sustained injuries to the different parts of their bodies. According to the information of ICHR, these siblings were injured when a home-made rocket mistakenly fell on their home. They were rushed to hospital for treatment.

- On 20 June, Yahia Muhammad Abu Khatab, 16 years old, from Dier-al-Balah town was injured by shrapnel in the shoulder when a home-made rocket went off. According to the information to ICHR, the rocket mistakenly fell on the piece of land belonging to his family. He was rushed to hospital for treatment.
 - On 19 June, Zakarya Muhammad al-Hadad, 9 years, from Zaytuna neighborhood was wounded by shrapnel in the head when a home-made rocket went off. According to the information of ICHR, the rocket mistakenly went off near the door of his house. He was rushed to hospital for treatment. The police arrived at the scene and opened investigation into the incident.
 - On 20 June, Shiraz Awni Hamoudeh, 19 years old, from Bet-Lahia, was shocked when a home-made rocket mistakenly went off near her family's house opposite to Bet-Lahia's Youths' Club. She was rushed to hospital for treatment.
 - On 23 June, Sabah Shihdeh Abu al-Eish, 27 years old, from Bet-Lahia suffered a shock when a home-made rocket mistakenly fell and went off near her family's house. She was rushed to hospital for treatment.
 - On 23 June, (Mutaz Ibrahim, al-Shawaf 31, Omar Mahmoud Tabish, 29 and his child, 2, Zaki Muhammad Abu Misbah, 55, Yousif Muhammad Abu Tier, 25), from Abassan al-Kabeereh Eastern Khanyounis, were injured by shrapnel of a home-made rocket which mistakenly fell and exploded near the room of the administration of a playground. They were all rushed to hospital for treatment.
 - On 24 June, a number of citizens from Gaza governorates were injured by fire bullets fired randomly. According to the information of ICHR, they were injured while they were close to marches organized in celebration of the victory of Freedom and Justice Party in the Egyptian presidential election. Participants in these marches were firing in the air expressing their euphoria. The people who were rushed to hospitals for treatment are: (Asma' Sarhi, 32, Adnan Abu al-Rob, 47, Wisam al-gudieli, 36, Buthaina Munzalawi, 23, Rimah Dawod, 30, Ahmad Komi, 29, Bashir Majdalawi, 19, Suzan Kaskin, 22, Nahid Mishharawi, 39, Muhammad Abu Zuheir, 51, Karam Atar, 18, Muhammad Atar, 34, Juma' Abu Shalabi, 44, Fatin Gwefil, 7, Asma' Aram, 21, Hassan Baba, 17, Ahmad Mousa, 41 and Hussam Madi 21). These injured people are from different governorates including Gaza, North Gaza and Rafah.
- Presenting these cases, we notice how many injuries were caused by misuse of firearms and home-made rockets. This calls upon the competent authorities in Gaza Strip to take the necessary measures to end this phenomenon and redress the victims against the damage and injuries they sustained.

5. Torture during detention- Cruel and degrading treatment:

ICHR received during June **34** complaints on torture and ill-treatment of which **27** in the West Bank and **7** in Gaza Strip. These complaints were distributed in the West Bank as follows:

- **10** complaints against Police Investigation Unit.
- **17** complaints against Preventive Security Apparatus.

Most of the allegations were concentrated on "shabh"¹, punching, beating and ill-treatment.

In Gaza Strip, ICHR documented 7 complaints against the police agency.

¹ Standing in a difficult position for long time.

ICHR has been prohibited from making any visits to the detention center of the internal security for the fourth consecutive year denying it the opportunity to check the conditions of the detainees held there. Moreover, it hasn't received replies to the letters it sent to verify allegations of the complaints it receives from the families of the detainees.

It has also been prohibited from visiting the Reformation and Rehabilitation Center (Central Gaza Prison) for the second consecutive year, with the knowledge that it is the single prison regulated in accordance with the law of the reformation and rehabilitation centers (prisons) number 6 of 1998.

ICHR is gravely concerned over Security Agencies' ongoing violation of detainees' right to physical safety in the West Bank and Gaza Strip. It also considers ill-treatment and torture practiced by the security agencies in both parts of the homeland as prohibited practices that must be criminalized and its perpetrators be punished.

II. Violation of the right to due process– ongoing arbitrary and political detention:

ICHR received during June **44** complaints in the West Bank on the inappropriateness of detention procedures. The complainants were held in prison either arbitrarily or because of their political affiliation.

In Gaza Strip, ICHR received in the same month **31** complaints in which citizens complain over inappropriate detention procedures and political detention.

Arbitrary detention is one of the major violations monitored by ICHR on monthly basis. In light of that, it believes that such violations gravely encroach on other rights and cause psychosomatic harm for the citizens. So, ICHR calls on the competent authorities, especially the Public Prosecution to bring such phenomenon to an end.

III. Assault on press freedom and peaceful assembly: ICHR documented during the period covered by this report the following assaults on press freedom and peaceful assembly in the West Bank and Gaza Strip:

- On 71 June, the Internal Security Agency summoned Yahya Ibrahim Madhon, 32 years old, from Bet-Lahya, journalist and lecturer in al-Azhar University, member of Fatah Movement. They interrogated him about his affiliation with Fatah Movement. He was subjected to degrading and ill-treatment. After holding him for hours, they gave him a notice to return to the Internal Security Agency office on the next day, 18 June, 2012. They interrogated him then about his writing an article published by electronic websites. After that, they released him.
- ICHR received during the same period **16** complaints over beating and detention of some persons by the police agency for a short time to prohibit them from participating

in a peaceful march organized on 30 June, 2012 in the main Square of al-Manara in Ramallah protesting Shau'l Mofaz's visit which was expected at that time to meet with President Mahmoud Abbas. The march was organized through social media by a group of youths called "Youth for Dignity". ICHR issued following that incident a statement expressing its concern over ongoing violation of the right to peaceful assembly in the Palestinian controlled territory.

- On 30 June, 2012, ICHR received a complaint from Tareq Khamis, journalist. He stated that he was kicked and punched by Palestinian security staffers with plain clothes while he was covering the aforementioned march though he told them that he was covering it in his capacity as a journalist.
- On 30 June, 2012, ICHR received a complaint from Muhammad Jaradat, journalist. He stated that he was arrested and beaten by the police agency while covering the aforementioned march. They took him to Police General Investigation Unit Office in Ramallah and beat him with batons causing serious injuries to him. He was rushed to Ramallah Hospital, as a result.

ICHR believes that such measures are in contravention of the Palestinian basic law and the statute of public assemblies, and the assault of the police agency on that march and its use of force is in contravention of international conventions. ICHR calls on the executive authority to investigate the security forces' assault on the demonstrators.

IV. Assault on persons, public and private property:

- On 5 June, 2012, an explosive grenade blew up in front of the house of Mustapha Khaleel al-Luh near Wadi Salka Eastern the town of Dier al-Balah. ICHR has learnt that the explosion cause slight damages to the house, and that the police arrived at the scene. It arrested a number of suspects for investigation. According to the police report the incident was due to a clan's dispute of the past year.
- On 14 June, 2012, a number of masked men with rifles broke into the house of Husam Hussien Yousif, 30 years old, lawyer. They beat his wife, searched his house and confiscated some files and \$ 10000. He stated that he was not at home then, but after his wife telephoned him, they stopped him near the house, beat him and took over his car before they fled. The police arrived at the scene and opened investigation into the incident.
- On 28 June, 2012, an explosive grenade blew up in front of the house of Jameel Ibrahim Zintani in Jabalia refugees' camp. ICHR learnt that the explosion caused slight damage to the house, and the police arrested a number of suspects for investigation.

V. Violation of the right to Academic freedoms

ICHR documented during the period covered by this report a protest sit in organized by 7 students of al-Khalil University, affiliated with the Islamic Bloc, in protest of the security agencies', especially the Preventive Security Agency and General Intelligence Agency, pursuit of them. They were also calling for stopping political detention, detention of students for students' activities inside the campus of the university and release of their mates held by the security agencies for unionists' activities (Alla Mousa al-Zakeek and Muhammad Sabarin). The protesters stated that they protest inside the campus of the university in fear of detention by the security agencies.

VI. Delay in and procrastination of implementing Palestinian courts' decisions in the West Bank:

ICHR documented during the month of June, 2012, 5 complaints over executive authority's non-implementation of courts' decisions. The following are the courts' decisions that haven't been implemented up to the moment of writing this report:

Number	Name	Detention center	Detention date	Verdict date
1	La'uy Abdelqadir Issa Rafaya'	General Intelligence\ Hebron	2 May, 2012	On 13 May, reconciliatory court of Hebron ordered his release on cash bail of JD1000 but its decision went unimplemented though he paid the bail.
2	Muhammad Abdullah Sbieh	General Intelligence \ Beth-Lehems	7 \ 6 \ 2012	On 20 June, Beth-lehem's Reconciliatory Court issued a decision releasing him but went unimplemented.
3	Nidal Gadu'n	General	4 \ 6 \ 2012	On 18 June,

	Wared Ebiat	Intelligence \ Beth-Lehems		2012, Beth-lehem's Reconciliatory Court issued a decision releasing him but went unimplemented.
4	Noor al-Din Nuh al-Ragabi	General Intelligence	18 \ 4 \ 2012	On 13, June, 2012, Hebron's Reconciliatory Court issued a decision releasing him on bail of JD 5000, but the decision went unimplemented.
5	Wathik Muhammad Bakir	Preventive Security \ Jenin	25 \ 5 \ 2012	On 20 June, 2012, Jenin's Reconciliatory Court issued a decision releasing him but went unimplemented.

In addition to those decisions, ICHR received two complaints over civil cases:

- On 12 June, 2012, ICHR received a complaint from **Husam Mahmoud al-Awawdi** stating that he was handed down a decision by the Supreme Court of Justice on March 31, 2010 canceling the decision of retiring him and reinstating him to work for the Preventive Security Agency, but went unimplemented since then.
- ICHR received a complaint from **Mahir Issa Hussein Washheh** over non-implementation of a decision in regards of action number 2 \ 2010, issued by Bir Zeit Municipality Court on 8 \ 12 \ 2012, stating removal of a building built in contravention of the law. The decision was not implemented yet.

Besides that, a number of decisions haven't been implemented yet since a long time. In the same context, a number of administrative decisions were issued during the past months but went unimplemented².

Non-implementation of courts' decisions has been noticed during this month and the ones before as well in the West Bank though with a lesser degree. Non-implementation of courts' decisions, regardless of their degrees, is blatant contravention of the provisions of the Palestinian basic law, especially article 106 which states that "courts' decisions should duly be enforced and otherwise is a crime punishable by imprisonment and dismissal from job".

What distinguished the period covered by this report is the fact that a number of detainees held by the General Intelligence Agency who are expected to be freed based on courts decisions issued thereof declared open hunger strike protesting non-implementation of these decisions by the General Intelligence Agency. The hunger strikers are held in Hebron's detention center and Beth-Lehem detention center, 7 and 4 respectively. ICHR visited the hunger strikers who are held in Beth-Lehem detention center and issued a statement demanding the PNA to implement courts' decisions in compliance with the Palestinian basic law.

VII. Violation of the right to hold public office, arbitrary dismissal or dismissal based on security clearance conditions.

ICHR received during the month of May a number of complaints over depriving the complainants of their rights based on security clearance conditions. These complaints are:

- **Three complaints** over canceling nomination of a teacher for work due to the disagreement of the competent authorities (security clearance) in contravention of the Palestinian civil service law of 1998 and its subsequent amendments.
- **One complaint** over dismissal of an employee because of security clearance in contravention of the civil service law. It is worth mentioning that the decision of dismissal was taken prior to the Cabinet of Ministers decision of repealing the condition of security clearance.

ICHR considers such a measure as a flagrant contravention of the Palestinian civil service law and basic law and a violation of citizens' right to hold public office in the state without discrimination.

² Attached to this report, an index of the decisions that were issued long ago but went unimplemented (index 1). Also attached to this report, an index of decisions issued during the past months but went unimplemented by the official

VIII. Violation of the rights of the people with disability (PWD):

ICHR received during the period covered by this report **4** complaints over violations of the rights of PWD. Most of these complaints were concentrated on discrimination in regards of holding public office and customization of public places and other services such as health and social security and the rights enshrined in the law of the people with disability and the Palestinian basic law.

ICHR stresses that the competent authorities should abide by the provisions of the law in regard of employment and customization of public places to suit PWD.