



Ombudsman

**Monthly Report on
Violations of Human Rights and Public Freedoms
in the Palestinian-controlled Territory
March 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 March, 2012.

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

- Occurrence of deaths due to different causes including clans 'disputes, neglect of public safety measures and deaths under mysterious conditions;
- Persistence of allegations of torture and ill-treatment in the prisons and detention centers of the West Bank and Gaza Strip according to the complaints filed with ICHR;
- Disregard of legal procedures during arrest and detention in the West Bank and Gaza Strip;
- Non-enforcement and procrastination of courts' rulings;
- Documentation of assaults on the freedom of press in the West Bank and Gaza Strip;
- Denying citizens of the Gaza Strip the right to passport by the MoI in the West Bank.

Violations in detail:

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

The ICHR monitored five death cases in the Palestinian Controlled Territory (PCT) during March, 2012. These cases were concentrated in the Gaza Strip distributed as follows: (2) deaths occurred due to misuse of firearms, (1) death due to neglect of public safety measures and another due to the so called "honor killing" and the other death case occurred due to tunnel incident.

The following provides more details on the death toll during the month of March, 2012:

1. Death due to misuse of firearms:

- **On March 13, 2012, Muhammad al-Maghribi Barakeh**, 2 years old , from al-Zaituna neighborhood in Gaza city, died a fire bullet wound to the head. According to the information of the ICHR, the child was wounded at his family's home while the participants in the funeral procession of one of the martyrs who was killed in the last Israeli aggression on Gaza were firing in the air. The police arrived at the scene and opened investigation into the incident.

- **On March 15, 2012, Ubeideh Ata al-Arer**, 17 years old, from Shujayeh neighborhood in Gaza died of a fire bullet wound to the head while he was participating in a mourning ceremony for one of the martyrs. According to the information of the ICHR, he was wounded while he was participating in a mourning ceremony for one of the martyrs who was killed during the last Israeli aggression on the Gaza Strip where some participants were firing in the air. The police arrived at the scene and opened investigation into the incident.

2. Death due to neglect of public safety measures:

- **On March 12, 2012, Nayef Shaban Karmout**, 14 years old, from the town of Jabalia, died of bomb shrapnel wounds. According to the information of the ICHR, the child was tampering with a suspect object while he was on his way to school. Five other children were wounded in the incident. The police arrived at the scene and opened investigation into the incident.

3. Death due to the so called “honor killing”:

- **On March 23, 2012, (KH.G.KH)**, 22 years old, from Khanyounis camp died of a fire bullet wound to the head while she was hospitalizing at Naser Hospital in Khanyounis city. According to the information of the ICHR, she was rushed to hospital on February 21, 2010 in a very critical situation due to intoxication. On March 23, 2012, her uncle entered the hospital after learning from the physician on duty that her situation was stable and shot her in the head. She died immediately after that. The police arrived at the scene and opened investigation into the incident. They arrested the suspect and one of her brothers for investigation. They reported that the killing was against the backdrop of the so called “family’s honor”. The incident was condemned by rights organizations, and the ICHR requested serious investigation into the case and achievement of justice by bringing the perpetrators before court.

4. Tunnel-related death:

- **On March 3, 2012, Thaer Abdelhamid Madi**, 22 years old, from al-Shaboura refugee camp in Rafah died of falling in a tunnel on the Palestinian Egyptian borders.

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

- **On March 14, 2012, Abdelrauf Abu Amra**, 16 years old, from al-Sultan neighborhood in Rafah city, was wounded by a fire bullet in the legs. According to the information of the ICHR, he was wounded while he was on his way to school passing by a house that was surrounded by a police force trying to arrest a person. When the latter fired at the police force, the boy was wounded. The police opened investigation into the incident and arrested the suspect.
- **On March 15, 2012, Sadam Mazen Dahir**, 18 years old, from al-Shujaya neighborhood in Gaza city, was wounded by a fire bullet in the neck. According to the information of the ICHR, he was critically wounded while participants in mourning ceremony held for one of the martyrs who was killed in the last Israeli aggression on Gaza were firing in the air. He was rushed to al-Shifa’ Hospital where he received hospitalization in the ICU. The police opened investigation into the incident.

- **On March 12, 2012**, five children were wounded (Saed Atar, 14, Saleh Nayef Karmout, 14, Tamir Nabil Azzam, 16, Hani Adnan Kanuni, 16 and Moyad Adnan Kanuni 18). They were wounded in Jabalia town while they were tampering with a suspect object that blew off. They were rushed to Kamal Audwan Hospital in Bet Lahya for treatment. The police opened investigation into the incident.

6. Torture during detention-degrading and ill-treatment:

The ICHR is gravely concerned over the ongoing security agencies' violation of the detainees' right to physical safety and considers all patterns of torture and ill-treatment practiced by these agencies in the Gaza Strip and in the West Bank illegal and so must be criminalized and its perpetrators must be brought to justice. The ICHR continued throughout the month of March as well as the ones before to receive complaints against torture and ill-treatment practiced by the security agencies in the West Bank and in the Gaza Strip.

The ICHR received during the period covered by this report **105** complaints from citizens in the West Bank including **6 (5%)** against the security agencies in which they claim they were subjected to torture. These complaints were distributed as follows:

- **3** complaints against Police General Investigation Department
- **2** complaints against the Preventive Security Agency
- **1** complaint against the Military Intelligence Agency.

These complaints contained allegations of torture such as standing in difficult positions for a long time (Shabh), beating, punching, flogging, threatening, psychological pressure and ill-treatment. The ICHR received during the same period **33** complaints from citizens in the Gaza Strip including **2** complaints (**6%**) against the security agencies. They were filed against the police agency.

The 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.

II. Violation of the right to fair legal procedures – continuing arbitrary detention and political detention:

Arbitrary and political detention continued in the West Bank and Gaza Strip disparately. The ICHR received several complaints from citizens who were arbitrarily deprived of their freedom and detained for political reasons.

The ICHR received during March **105** complaints against the security agencies of which **30** included allegations of negligence of fair legal procedures in the West Bank.

It also received **33** complaints against the security agencies of the MoI operating in the Gaza Strip of which **27** include allegations of negligence of fair legal procedures, political detention and non-categorization of inmates.

III. Violation of press freedom:

The ICHR documented during March the following violations of press freedom in the West Bank and in the Gaza Strip:

- **On March 8, 2012**, Muhammad Zuhdi Mashharawi, 26 years old, from Gaza city, reporter of al-Arabya Sky News Agency, was banned by the police from covering a collective wedding ceremony organized by the government in Gaza. According to the journalist's statement, he was together with a number of his colleagues at the site to cover the event, but a police officer asked them to leave the area. The media officer of the event informed the police officer that the journalists were stationed in the right place, but he came back once again asking them to leave the area swearing them. When a bickering broke out between the police officer and Mashharawi, a police force arrived at the scene and forcefully dragged him. They transferred him to the lock up of Ansar security Center after threatening of shooting him. They held him for 15 minutes there and then released him. The MoI issued a statement thereof and opened investigation into the case to hold the officers involved accountable.
- **On March 23, 2012**, Mahmoud Emad Zanun, 20 years old from Gaza city, cameraman for al-Duha Center for Media Freedom, was prohibited by the police from doing his job. According to the journalist's statement, while he was trying to take pictures for the gas crisis at al-Shawa Gas Station, the police prohibited him from shooting any pictures and arrested him. After holding him in al-Shujaya Police Center for **2** hours, he was released.
- **On March 28, 2012**, a group of armed men obstructed the work of Salem Muhammad Abu Salem, journalist, from Jabalia. According to his statement, while he was making a feature story at an orchard in Gaza city in the company of two foreign female journalists (Sisilia Udwin, Casindra Sandiliz), working for the Swedish Radio Station, armed persons took them to the internal security center of Gaza and confiscated their belongings. After separating him from the two journalists, they interrogated him and took his e-mail password by force. The two female journalists were freed after restoring their belongings, with no charges being leveled against them.

- On March 25, 2012, the ICHR received a complaint from journalist Yousif Husam al-Din al-Shayeb. He stated that he was arrested for writing a report published in a Jordanian newspaper. The ICHR followed up his case with the public prosecution and the police. It also visited him in detention where he went on hunger strike that ended up with his release on bail on March 2nd, 2012.

The public prosecution held him upon a lawsuit filed against him by the Minister of Foreign Affairs and the Palestinian ambassador to France and the deputy ambassador and his wife.

The magistrate court ordered his detention for fifteen days.

- On March 28, 2012, Ismat Ahmad Abdelkhaliq was held by the public prosecution on March 1st. the ICHR received a complaint from her during the visit the staff of the ICHR made to her in the Reformation and Rehabilitation Center of Ramallah. According to her statement, she was held for expressing her opinion on the facebook and extracting some quotations from electronic websites. She added that she went on hunger strike on March 29th. The public prosecution held her upon a complaint filed against her by the Preventive Security Agency accusing her of swearing the president and incitement. The court ordered her release on bail on 4\4\2012.

IV Procrastinating and delaying enforcement of Palestinian courts' rulings in the West Bank.

The ICHR noticed during the period covered by this report that non-enforcement and disrespect of courts' rulings continued in the West Bank with lesser degree compared to previous months. Non-enforcement of the Palestinian courts' rulings regardless of their degrees is a flagrant violation of the provisions of the Palestinian basic law, particularly article (106) which stipulates that "Judicial rulings are enforceable and any form of refraining from that is a crime punishable by imprisonment and dismissal from public office".

As for the non-enforcement of rulings of the Palestinian High Court of Justice and the Court of First Instance, ICHR documented a number of complaints thereof. The High Court of Justice issued some rulings, but the executive authority, in both its civil and military wings, failed to enforce those rulings up to the moment of this report.

ICHR received, during the period covered by this report, complaints with allegations that the official authorities kept procrastinating enforcement of the court's rulings which were as follows:

Number	Name	Detention center	Detention date	Ruling's date
1	Sara' Munir Muhammad Radad	Preventive Security Agency \\ Tulkarem	23\9\2011	Tulkarem Court of First Instance ordered his release on bail on 28\2\2012, but the decision hasn't been enforced up to the moment of writing this report.
2	Emad Ahmad Sabri Audi	Preventive Security Agency \\ Tulkarem	16\10\2011	Tulkarem Court of First Instance ordered his release on bail on 27\2\2012, but the decision hasn't been enforced up to the moment of writing this report.
3	Sayed Zyad Adib Radad	Preventive Security Agency \\ Tulkarem	16\10\2011	Tulkarem Court of First Instance ordered his release on bail on 27\2\2012, but the decision hasn't been enforced up to the moment of writing this report.

		Tulkarem		Instance ordered his release on bail on 28\2\2012, but the decision hasn't been enforced up to the moment of writing this report.
4	Al-Din Muhammad Ahmad Hamdan	Preventive Security Agency \ Tulkarem	14\9\2011	Tulkarem Court of First Instance ordered his release on bail on 5\3\2012, but the decision hasn't been enforced up to the moment of writing this report.
5	Aysar Emad Mahmoud Abdo	General Intelligence Agency \ Nablus	22\2\2012	Nablus Magistrate Court ordered his release on bail on 18\3\2012, but the decision hasn't been enforced up to the moment of writing this report.
6	Arafat	Military	16\11\2011	The High

	Awni Abdelqadir Awad	Intelligence Agency\ Nablus		Court of Justice ordered his immediate release on 19\3\2012, but the decision hasn't been enforced up to the moment of writing this report.
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There are several courts' rulings that haven't been enforced since a long time, and several administrative rulings were issued over the past few months, but the executive authority hasn't enforced any of them.

V. Violation of the right to movement and travel:

The suffering of the people of Gaza seems to have no end since Gaza governorates have run out of passports in November, 2008 up to the period covered by this report. According to the information which ICHR received from officers of the Ministry of Interior (MoI) in the Gaza Strip, the MoI in the West Bank still refuses to issue passports for the citizens of the Gaza Strip, depriving them of their right to movement and travel aggravating the situation of the patients, who need treatment abroad, and students studying in universities outside Gaza and thousands of people whose passports expired and require renewal.

- On March 27, 2012 members of the internal security stationed on Rafah crossing prohibited Zeyad Yousif Sarafandi, 50 years old, from Rafah city, Head of the Refugees Popular Committee and lead member of Fatah Movement from traveling to Egypt. He stated that when he was at the crossing on his way to Cairo for a surgery, he was summoned by the security staff and interrogated about his political activities. After two hours of stranding him, they notified him that he is banned from traveling. They also gave him a notice for an interview on 10\4\2012 without clarifying the reason why.
- On March 29, 2012, members of the internal security on Rafah crossing prohibited Omar Salem Abu Jarad, 50 years old, from Bet Lahya, employed at the Ministry of International Planning and Cooperation, Member of Fatah Movement, from traveling to Egypt. He stated that he was summoned while he was at the crossing by the security staff and interrogated about his work for the Ministry, his relationship with Minister Nabil Shaath and his activity in Fatah. After stranding him for 30 minutes, they notified him that he is banned from traveling. They also gave him a notice for an interview on 10\4\2012 without clarifying the reason why.

VI. Violation of rights by implementing “security clearance” policy:

The ICHR received during March a number of complaints filed by citizens claiming they are deprived of certain rights due to security clearance terms. The complaints were as follows:

- **Two complaints** on canceling recruitment of a teacher for failing to obtain the consent of the competent departments (security clearance) in violation of the civil service law of 1998 and its subsequent amendments.
- **Four complaints** concerning honest competition for post at the Ministry of Education. The complainants were not recruited due to political reasons or arbitrarily despite their good achievement at the exam and interview.

Appendix

A list of the Palestinian courts' rulings issued over the past few months but went unimplemented up to the moment of publishing this report:

Number	Name	Detention center	Detention date	Ruling's date
1	Musa'b Nidal Zughayer	Preventive Security Interrogation Center \ Hebron	28\11\2011	On 23\2\2012, Hebron's Court of First Instance ordered his release on cash bail but the decision hasn't been enforced yet. On 29\2\2012, the same court ordered his release but the decision hasn't been enforced up to the time of writing this report.
2	Ahmad Abdelrahman Abdellah Muhammad	Intelligence Detention Center \ Nablus	14\2\2011	On 3\11\2011, Nablus Court of First Instance ordered his release on bail but went unimplemented.
3	Nabil Jabir Labib Hag Muhammad	General Intelligence	14\2\2011	3\11\2011, the High Court of Justice ruled that the detention procedures in regard of this case were inappropriate.
4	Nabil Jabir Labib Hag Muhammad	General Intelligence \ Nablus	14\2\2011	4\11\2011, the High Court of Justice ruled that the detention procedures in regard of this case were inappropriate.
5	Anas Tahsin Abdulfatah Abu Markhya	Intelligence Detention Center \Hebron	19\12\2011	On 3\1\2012, Hebron's Reconciliation Court issued a decision releasing him on bail but hasn't been enforced up to the time of writing this report.

6	Mutasim Taysir Yasin Natsheh	General Intelligence \ Jericho	2\9\2010	14\11\2010, the High Court of Justice ruled that the detention procedures in regard of this case were inappropriate.
7	Muhammad Barakat al-Atrash	General Intelligence Investigation Center \ Jericho	1\9\2010	On 7\11\2010, The High Court of Justice ordered his release.
8	Muhammad Hussien Abu Hadid	General Intelligence Investigation Center \ Jericho	3\9\2010	On 7\11\2010, the High Court of Justice ordered his release.
9	Authman Muhammad Qawasmeh	Intelligence Investigation Center \ Jericho	31\8\2010	On 28\11\2010, the High Court of Justice ordered his release.
10	Nidal Mahmoud Ashmar	General Intelligence Detention Center \ Hebron	23\2\2011	On 17\3\2011, Hebron's Reconciliation Court ordered his release but went unimplemented. On 20\4\2011, Hebron's Reconciliation Court ordered his release on bail (JD1000) but went unimplemented.
11	Durar Ahmad Amer	Intelligence Investigation Center \ Hebron	23\2\2011	On 17\3\2011, Hebron's Reconciliation Court ordered his release on bail (JD1000) but went unimplemented On 5\4\2011, Hebron's Reconciliation Court ordered his release on bail (JD1000) but went unimplemented

12	Taha Muhammad Shalaldeh	General Intelligence Detention Center \ Hebron	10\4\2011	On 15\5\2011, Halhul's Reconciliation Court ordered his release on bail (JD500) but went unimplemented.
13	Rafat Yousif Shalaldeh	General Intelligence Detention Center \ Hebron	2\4\2011	On 8\5\2011, Halhul's Reconciliation Court ordered his release on bail (JD500) but went unimplemented.
14	Mo'yad Taye' Abdelkarim Bani Audi	General Intelligence \ Ramallah	22\7\2007	6\12\2010, the High Court of Justice ordered his release.
15	Abdelfatah Azzam Muhammad al-Hassan	Preventive Security Agency\Ramallah	9\5\2009	2\3\2010, He appeared before military court. On 14\8\2010, it adjourned his case until 21\9\2010. At this time it sentenced him to 12 years in prison.
16	Anwar Khalil Muhammad Tmiezi	Military intelligence\ Nablus	26\1\2009	On 18\1\2010, military court sentenced him to 10 years in prison.
17	Fathi Mahir Khamayseh	General Intelligence \ Hebron, though his leave ends by 8\4\2012	12\7\2011	On 18\9\2011, Hebron's Court of First Instance rejected the public prosecution request to extend his detention and ordered his release, but the decision hasn't been enforced up to the time of writing this report.

Appendix 2

Besides the aforesaid decisions, a number of administrative decisions were issued over the past few months, but the executive authority hasn't implemented any of them. The following are among these decisions:

1. On 22/4/2009, the Palestinian High Court of Justice ordered reinstatement of **Noor al-Din Hamad** who was fired from his work for the police agency on 1/11/2007, but the order hasn't been enforced up to the moment of writing this report.
2. On 24/6/2009, the Palestinian High Court of Justice ordered cancellation of the Ministry of Interior's order of **setting a provisional Preparatory committee for the management of Yatta's Islamic Orphans' Care Society** in place of the elected administrative committee without any legal justification in violation of article (37) and the provisions of the Charitable Associations' Law of 2001. The court's ruling has not been enforced by the executive authority.
3. On 29/6/2009, the Palestinian High Court of Justice ordered cancellation of the Waqf and Religious Affairs Ministry's decision of demoting **Muhammad Jamal Numan Salhab**, member of its staff, to a lower position without his consent to that and compensation for the damage caused by that decision in terms of salary and grade. The court ruling which hasn't been enforced yet was based on the fact that the ministry's decision is in contravention of the civil service law of 1998 and its subsequent amendments, particularly article (58).
4. On 8/7/2009, the Palestinian High Court of Justice ordered cancellation of the Ministry of Interior order of setting **a provisional preparatory committee for the management of Bet Umar Society Orphans' Care** in place of the elected administrative committee without a legal justification in violation of the provisions of the charitable associations' law of 2001. The court's order hasn't been enforced yet.
5. On 28/12/2010, Ramallah's Court of First Instance ordered payment of NIS 29183 for Emad Radwan Abdelazeez Ramaha who was working as chef for the Military Liaison Office, but the order hasn't been enforced yet.
6. On 28/12/2010, Ramallah's Court of First Instance ordered payment of NIS 30120 for **Abed Raof Omar Sawalmeh** who was working as civil servant for the National Security Agency, but the order hasn't been enforced yet.
7. On 24/5/2011, the High Court of Justice ordered removal of a quarry based in the residential area where complainant Ahmad Yousif Awad Bani Shamsi from Beta is living. Based on the ICHR's follow up of the case, the decision hasn't been enforced yet.
8. On 26/9/2011, the High Court of Justice ruled in favor of **Muhammad Abdelqadir Barakat Ibrahim Karaja**, member of the National Security Agency, stipulating that the duration starting from 1/4/2008 till 15/7/2010 is part of his service and so must be included into his pension. The decision hasn't been enforced.
9. On 28/11/2011 Al-Quds Court of Appeal held in Ramallah in regard of the appeal case number (567/2011) upheld the decision of evacuating the leased real estate located in Betlehem, Al-Quds-Hebron Street, which was issued in regard of executive case number (26/2000). The real estate is

owned by Henry Micheal Bishara Ukem and Lawrance Micheal Bishara. The decision hasn't been enforced yet.

10. On 30\11\2011, the Palestinian High Court of Justice ordered cancellation of Ithna's municipal council decision of dismissing Secretary Issa Muhammad Ismael Awad because his appointment wasn't approved by the Minister of Local Government, but the order hasn't been enforced yet.