



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

Based on ongoing monitoring and documentation of violations of human rights and public freedoms during the month of February 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;
- Assault on the right to peaceful assembly in the West Bank and Gaza Strip;
- Denying citizens of the right to passport by the MoI in the West Bank.

Violations in detail:

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

Right to Life and Physical Safety

ICHR monitored during February, 2012 in the Palestinian Controlled Territory (PCT) thirteen (13) deaths including six (6) cases in Gaza Strip and seven (7) in the West Bank. As for the causes of these deaths, they were distributed as follows: **One** death case occurred due to misuse of firearms in Gaza Strip and six (6) other cases due to neglect of public safety measures of which (2) cases in Gaza Strip and (4) in the West Bank. Four (4) other cases occurred under mysterious conditions of which (3) in Gaza Strip and (1) in the West Bank. Another two (2) cases occurred due to clans' disputes in the West Bank.

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

1. Death due to clans' dispute, manslaughter and premeditated killing:

- On February 8 , 2012, **Munadil Hassan Nasasreh, 33** and his brother **Muhammad Hassan Nasasreh, 23**, from the village of Bet-Furik in the vicinity of Nablus died of fire bullet wounds in a clan's dispute. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.

2. Death under mysterious conditions:

- On February 21 , 2012, **Hibeh Nasar Abu Gharareh 15**, from Bet Lahia in Gaza Strip was found hanged with a scarf at her room in her family's house. The police arrived at the scene and opened investigation into the incident.
- On February 25 , 2012, the police found **Buthaina Mousa Abu Amsheh, 26**, from Bet Hanun dead. According to the information of ICHR, Buthiana was working as a teacher at college and her body was found on the intersection of Al-Zaituna neighborhood in Gaza city. The police opened investigation into the incident.
- On February 29 , 2012, **Tamir Ahmad Al-Halul, 23**, from Jabalia was rushed dead to Kamal Udwan Hospital and transferred to Al-Shifa' Hospital in Gaza for autopsy. The forensic report showed that Tamir died of suffocation. According to the information of the police, he was found hanged at his home. The police opened investigation into the incident.
- On February 26 , 2012, child **Ala'Ramadan Yousif Al-Masri**, from the village of Shukba near Ramallah was found dead near the house of her family. According to the information of ICHR, the girl was suffering mental disorder. Her body was transferred to the forensic institute for autopsy, and the police opened investigation into the incident.

3. Death due to misuse of firearm:

- On February 6 , 2012, **Yousif Mahdi Abu Ebied**, from Rafah died of fire bullet wounds to different parts of his body. According to the information of ICHR, the deceased was fired by two masked unidentified persons driving a motorcycle in Yibna camp in Rafah. The police arrived at the scene, opened investigation into the incident and arrested two suspects.

4. Death due to neglect of public safety measures:

ICHR documented during the period covered by this report **(12)** death cases that occurred due to neglect of public safety measures of which **(2)** cases in Gaza Strip and **(10)** in the West Bank.

- On February 11, 2012, **Ahmad Abdulghani Al-Zein, 10**, from Bet Lahia died of drowning in a sewage pool while he was playing with his friends. According to the

information of ICHR, the civil defense rescue team recovered the body of the child from a sewage pool near Balsam Hospital in Bet Lahia.

- On February 15, 2012, **Fadi Ramzi Al-Qasas, 13**, from Al-Zahra' city in Gaza, died of falling into a hole. According to the information of ICHR, the child fell into a hole caused by a collapsed tunnel near his family's house while he was walking with his cousin. The civil defense rescue team recovered the body of the child from the hole and the police opened investigation into the incident.
- On February 23, 2012, **Muhammad Saed Khadir Muslim, 2**, from Yata near Hebron died of drowning in an open water well near his house. The child was rushed to the Medical Institute of Yata where he passed away. The public prosecution opened investigation into the incident.
- On February 28, 2012, **Abdelfatah Mstafa Al-Qwasmi, 53**, from Hebron died of falling while posting a bulletin board for a store in the city. His body was taken to Al-Ahli Hospital where the public prosecutor ordered forensic examination of it.
- On February 28, 2012, **Basil Wasim Khalil Asa'd, 4**, from Al-Bireh was run over and killed by the school bus he catches every day. According to the information of the ICHR, the child was rushed to Ramallah Hospital where he passed away due to his injuries.

In addition to the abovementioned cases, another six children and their woman teacher died in a traffic accident on Jaba'-Jerusalem street while they were on their way to Ramallah.

According to the information of ICHR, the accident happened when a big truck crashed into a school bus with pupils on board causing fire flare up into the bus and the death of six children and their woman teacher. Twenty two other children on board were injured in the accident, too. The Council of Ministers formed a special investigation committee to identify the cause of the accident, but no results were reported yet.

5. Death penalty:

- On February 2, 2012, the Permanent Military Court in Gaza sentenced (H.F.H), 58, from Gaza city, to death by hanging after convicting him of treason and murder. The court issued its appealable ruling in the presence of the defendant pursuant to the Palestinian Revolutionary Penal Code of 1979.
- On February 2, 2012, the High Military Court in Gaza upheld in its capacity as an appeals court the death sentence issued by the permanent military court in Gaza on March 29, 2011 against (W.K.G), 25, from Al-Burieg camp after convicting him of treason and murder pursuant to the Palestinian Revolutionary Penal Code of 1979.

- On February 14, 2012, the High Military Court in Gaza upheld in its capacity as an appeals court the death sentence by fire squad handed down by the permanent military court in Gaza to (G.Z.H), 30, from Gaza, after convicting him of complicity in deliberate murder pursuant to the Palestinian Revolutionary Penal Code of 1979 and Penal Code No.74 of 1936.
- On February 16, 2012, the Court of Cassation in Gaza rejected the appeal filed by (M.A.B), 49, from Der Al-Balah who the court of first instance in Der Al-Balah sentenced to death by hanging on May 30, 2010 after convicting him of premeditated killing pursuant to the penal code of 1936.

6. Injury due to misuse of firearms – internal explosions:

On February 26, 2012, Subhia Ahmad Sultan, 53, from Bet Lahia Northern Gaza, sustained a fire bullet wound to her left leg. According to the information of ICHR, she was wounded while she was walking down the street of her town, and she was rushed to Kamal Udwan Hospital for treatment. The police opened investigation into the incident.

7. Torture during detention – cruel and degrading 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 the security 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 February 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.

It received during the period covered by this report (77) complaints against the security agencies including (16) (21%) from citizens claiming they were subjected to torture. These complaints were distributed as follows:

1. Ten complaints against the General Investigations Unit at the Police Agency;
2. Three complaints against the Preventive Security Agency;
3. Three complaints against the General Intelligence Agency.

These complaints contained allegations of torture such as standing in difficult positions for a long time (Shabih), beating, punching, flogging, threatening, psychological pressure and ill-treatment.

Concerning the situation in the Gaza Strip, it received during the same period, (63) complaints against the security agencies including (22) (34%) complaints, against the security agencies, distributed as follows:

1. Twenty one complaints against the police agency;

2. One complaint against the internal security.

The ICHR has been prohibited from making any visits to the detention center of the internal security for the fourth consecutive years 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 the 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 sole 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 appropriate legal procedures by continuing arbitrary and political detention.

The military courts still prosecute civilians whose cases were presented to them before January 15, 2010 depriving them of personal freedom without any legal excuse. The ICHR, thus, expresses its deep concern over ongoing arbitrary detention and disregard of legal procedures during detention.

Arbitrary detention continued in the West Bank and Gaza Strip with a different degree, and ICHR received a number of complaints from citizens who were arbitrarily detained or for political reasons.

In the West Bank, it received during the period covered by this report **202** complaints including **77** against the security agencies of which **22** complaints include allegations of disregard of legal procedures during detention, especially the complainants were detained either for political reasons or arbitrarily.

In Gaza Strip, ICHR received during the same period **81** complaints including **63** against the security agencies of the Ministry of Interior of the government in Gaza of which **28** complaints include allegations of disregard of legal procedures and detention for political reasons.

III. Assault on the freedom of peaceful assembly, public freedoms and establishment of associations:

- On February 12, 2012, a police force banned a peaceful assembly organized by a group of young men following dawn prayer in Gaza in solidarity with Jerusalem and Al-Aqsa mosque. The police dispersed the demonstrators who were holding

Palestinian flags and badmouthed them under the pretext that they were not having a permit for such assembly.

- On February 19, 2012, a police force dispersed a peaceful assembly in Al-Nusierat in the central governorate when dozens of people gathered calling for solving the continuing electricity crisis in the Gaza Strip. The participants who took to the streets in response to the call of the Popular Front for the Liberation of Palestine were pursued and beaten by the police and some of them were detained for a few hours under the pretext of having no permit for such a protest.
- On February 22, 2012, members of the General Intelligence Agency detained a number of citizens during a peaceful rally they organized in Ramallah in solidarity with the Syrian people. The people who were detained for 24 hours due to their participation in the rally are: Ibrahim Ahmad Muhammad Al-Rae', Walid Tawfik Daraghme, Dahir Issa Muhammad Shamali.
- On February 26, 2012, ICHR received (6) complaints from students of Bir Zeit University claiming that they were subjected to frequent detention and summoning by the Preventive Security Agency for interrogation about their unionist students activities at the university.

Such conduct would adversely impact their educational achievement and restrict their freedom of exercising students-related activities, so ICHR addressed the Ministry of the Interior to consider the students' complaints. It received a reply from the Mol confirming that it bans detention for students- related activities or political affiliation and that it will follow up this matter. It also confirmed its readiness to receive any complaints of this kind.

- On February 6, 2012, Muhand Al-Shafi' filed a complaint with the ICHR against the Ministry of the Interior for its disregard of an application submitted by him and a group of people with disability for licensing Al-Iradeh Society for the Disabled. They had applied for the license in 2010, but they got no reply till the date of this report.

IV. Pursuit of defenders of human rights:

- On February 23, 2012, the Attorney General in Gaza asked Director of Addamir Association for Human Rights, Khalil Muhammad Abu Shamali, 41, from Gaza, to reply to a complaint filed against him by the Chairman of Energy and Natural Resources in Gaza accusing him of incitement and threat of the security of the

Energy Authority due to his statement to the media on February 15, 2012 that the Energy Authority possesses a storage of solar that suffices the electricity generating plant for two months and that the Energy Authority falls short of managing the crisis. He replied to the complaint and his case is still in process.

V. Assault on public and private property:

- On February 12, 2012, The Civil Liaison Office of Bet Hanun was robbed. According to the information the ICHR received from the staffer of the office, the window of the office was broken and its contents were stolen “TV set, mobile phone, dossiers”. This office has been robbed for the tenth time since 2010. The police opened investigation into the incident but no results were reported. It was robbed once again on 29th of the same month.
- On February 26, 2012, unidentified people set fire to the building of the local council of Arab Al-Ramadin\ Hebron burning all the files, furniture and electronic sets of the council. According to the information of ICHR, the police arrived at the scene, opened investigation into the incident and arrested a suspect for interrogation.
- On February 7, 2012, explosive grenade went off nearby Al-Kamal Dress Shop belonging to Zuhier Hassan Radwan in Jabalia, causing damage to the shop and to the nearby houses. The police arrived at the scene, opened investigation into the incident and arrested some suspects for interrogation.
- On February 23, 2012, a home-made rock fell on the house of Galal Yousif Hamad from Bet Hanun causing big damage to it. The police arrived at the scene and opened investigation into the incident.
- On February 28, 2012, a grocery belonging to Ala’ Hussien Muhammad Al-Hawamdeh from the town of Samu’ near Hebron was set on fire. The civil defense brigade put the fire out, and the police arrived at the scene and opened investigation into the incident.

VI. 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 one complaint with allegations that the official authorities kept procrastinating enforcement of the court's ruling which was as follows:

Number	Name	Detention center	Detention date	Ruling's date
1	Musa'b Nidal Zughayer	Preventive Security Investigation Center \ Hebron	28\11\2011	On 23\2\2012, Hebron's Court of First Instance issued a decision releasing him on a bail of JD500, but the decision hasn't been enforced yet. On 29\2\2012, the same court issued another decision releasing him but hasn't been enforced up to the moment of writing this report.

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 them¹.

VII. Violation of the right to movement and travel:

¹ Attached to this report, a table of the decisions issued over the past few months but went unimplemented up to the moment of writing this report.

The suffering of Gaza citizens 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 the 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.

ICHR received during February, 2012 two (2) complaints from citizens of the Gaza Strip claiming that the Ministry of the Interior in Ramallah denied them the right to have or renew passports. The citizens who applied for passports through the public service offices in Gaza were informed that their applications were declined due to security reasons set by the General Intelligence Agency in Ramallah with no more illustrations. The complainants who filed complaints with the ICHR thereof are: (Mustafa Samir Abu Ateyeh from Gaza and Saed Hassan Abu Rukba from Jabalia).

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

- ICHR received two complaints on canceling appointment of two teachers under the pretext that they haven’t got the consent of the competent authorities “security clearance” in violation of the Palestinian civil service law of 1998 and its subsequent amendments.
- A complaint of a citizen claiming that he hasn’t been granted his due grade due to the disagreement of the security agencies (security clearance) in violation of the Palestinian civil service law of 1998 and its subsequent amendments.

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:

1	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.
2	NNabil Jabir Labib Hag Muhammad	General Intelligence	14\2\2011	3\11\2011
3	Abdelrahman Muhammad Fawzi Hag Muhammad	General Intelligence	14\2\2011	3\11\2011
4	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 went unimplemented till the time of writing this report.

4	Ala' Zuheir Tardeh	General Intelligence\	13\7\2011	On 16\8\2011, Hebron's Reconciliation
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		Hebron		Court ordered his release on bail.
5	Khaled Muhammad Tardeh	General Intelligence\ Hebron	13\7\2011	On 8\8\2011, Hebron's Reconciliation Court ordered his release on bail (JD 500).
6	Bagis Younis Amer	Preventive Security Agency Investigation Center \ Dahrya	8\10\2010	On 9\1\2010 The military court sentenced him on 21\2\2011 to one year and a half in prison.
7	Mutasim Taysir Yasin Natsheh	General Intelligence \ Jericho	2\9\2010	14\11\2010
8	Jihad Ismael Abu Qbietah	Preventive Security Agency Investigation Center\ Hebron	20\9\2010	17\10\2010 The military court sentenced him on 21\2\2011 to one year and a half in prison.
8	Muhammad Barakat al-Atrash	General Intelligence Investigation Center \ Jericho	1\9\2010	On 7\11\2010, The High Court of Justice ordered his release.
9	Muhammad Hussien Abu Hadid	General Intelligence Investigation	3\9\2010	On 7\11\2010, the High Court of Justice

		Center \ Jericho		ordered his release.
10	Authman Muhammad Qawasmeh	Intelligence Investigation Center \ Jericho	31\8\2010	On 28\11\2010 the High Court of Justice ordered his release.
11	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.
12	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
13.	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.
14.	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.
15	Ala' Mahmoud Mousa Harb	General Intelligence Detention Center \ Hebron	2\4\2011	On 5\5\2011 Dura's Reconciliation Court ordered his release on bail but went unimplemented. On 5\8\2011 The competent court acquitted him but its ruling went unimplemented.
16.	Mo'yad Taye'	General Intelligence \	22\7\2007	6\12\2010s

	Abdelkarim Bani Audi	Ramallah		
17	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 when it sentenced him to 12 years in prison.
18	Anwar Khalil Muhammad Tmiezi	Military intelligence\ Nablus	26\1\2009	On 18\1\2010, military court sentenced him to 10 years in prison.

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 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.
2. 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.
3. 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.

4. On 24/5, 2011, the High Court of Justice ordered removal of a stone factory built in a residential area where complainant **Ahmad Awad Yousif Bani** lives. The order has not been enforced during June, 2011 when the ICHR was following up the case.
5. 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).
6. 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.
- 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.
8. 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.