



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

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

- Deaths occurred due to different reasons including misuse of firearms and “honor killing”.
- Two death sentences were approved in the Gaza Strip.
- 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 of citizens in the West Bank and Gaza continued without due process.
- Non-implementation of courts decisions continued in the West Bank.
- Assaults on the right to peaceful assembly and press freedom were documented in the West Bank and Gaza.

Violations in detail: 2978430

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

The ICHR monitored seven death cases in the Palestinian Controlled Territory (PCT) during May, 2012. Four of these cases occurred in Gaza Strip of which two in tunnel incidents and two under mysterious conditions. The other three cases occurred in the West Bank of which two under mysterious conditions and one due to negligence of public safety measures.

More details on the death toll during the month of May 2012:

1. Death under mysterious conditions

- On 29 May, 2012, Husam Issa Makhamra, 13 years old, from the town of Yatta near Hebron died of strangulation by rope under mysterious conditions. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The child arrived at the Hospital of Abu al-Hasan al-Qasim in the town dead. According to the forensic report, scars of rope were found around the child's neck, so the public prosecution ordered autopsy of the deceased's body at the Forensic Institute in Abu Dis to identify the exact cause of his death.
- On 27 May, 2012, Malik Hisham Jabari, 27 years old, from the city of Hebron died of being stabbed with a knife under mysterious conditions. According to the information of ICHR, he died of multiple stab wounds after being admitted to hospital. The police arrived at the scene and opened investigation into the incident. The prosecution ordered referral of the deceased's body to the forensic institute for autopsy to identify the exact cause of death.

2. Death due to negligence of public safety measures

- On 3 May, 2012, Wia'm Yousif Sayed Ahmad, 9 years old, from the town of Dura near Hebron, died of strangulation when the rope of the swing she was playing on slipped around her neck. According to the information of ICHR, she arrived at hospital dead and the police arrived at the scene and opened investigation into the incident.
- On 2 May, 2012, Zainab Saed Abu Jami', 40 years old, from Bani Sahila in Khanyounis, died of drowning in farm pond. According to the information of ICHR, she was found dead in a farm pond belonging to one of her relatives. She was rushed to Nasir Hospital in the city. The police opened investigation into the incident.
- On 22 May, 2012, Yazan Ashraf Abu Jami', 3 years old, from Bani Sahila in Khanyounis died of falling off a high roof. According to the information of ICHR, he fell off the third floor of the apartment where his family lives. He was rushed to hospital in the city but succumbed to his wounds. The police arrived at the scene and opened investigation into the incident.

3. Death sentence:

- On 13 May, 2012, the court of cassation in Gaza rejected the appeal by (N.G.D) who was sentenced to death by the court of first instance in Gaza on 28 April, 2011 on charges of deliberate killing, in accordance with the Palestinian penal code of 1936. The decision was upheld by the court of appeal on 15 June, 2011, and so by the issuance of the cassation court's decision, the death sentence against the abovementioned citizen becomes confirmed.
- On 21 May, 2012, the court of cassation in Gaza rejected the appeal by (F.T.W), 56 years old, from Gaza, sentenced to death on charges of deliberate killing, in accordance with the Palestinian penal code of 1936. The court of appeal upheld the decision of the court of first instance on 7 December, 2012, and so by the issuance of cassation court's decision, the death sentence against the abovementioned citizen becomes confirmed.

4. Tunnel-related deaths :

- On 17 May, 2012, Jihad Barham Barakeh, 18 years old, from Bani Sahila in Khanyounis, died of falling off while working in a tunnel on the Egyptian Palestinian border.
- On 20 May, 2012, Nadir Adel Omar, 24 years old, al-Zaituna neighborhood in Gaza, died of falling off while working in a tunnel on the Egyptian Palestinian border.

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

- On 6 May, 2012, (Muhammad Salem Abu Shluf, 18 years old, Salem Muhammad Abu Shluf, 43, Muhammad Shtewi Abu Sluf, 37, Saed Khadir Sheihk Eid, 23) sustained fire bullet injuries in a clan dispute in which firearms were used. According to the information of ICHR, the police arrived at the scene, opened investigation into the incident and arrested a number of suspects.
- On 10 May, 2012, Hatem Yousif Abu Maghsib, 34 years old, from Wadi Salka in Deir al-Balah, was injured by fire bullets in the thighs fired by an unknown person. According to the information of ICHR, the bullets were fired in his direction while he was stopping his taxi to pick up passengers in the middle of Deir al-Balah city. He was rushed to hospital for treatment. The police arrived at the scene, opened investigation into the incident and arrested the suspect.
- On 29 May, 2012, Mo'men Nazmi Jaraba', 20 years old, from the village of Zawayda in the Middle governorate in Gaza Strip was injured by a fire bullet, in the left leg, fired by an unknown person driving a private car. According to the information of ICHR, the person who was seated beside the driver shot three fire bullets in the direction of Jaraba' while he was standing opposite to a wheel fixer workshop. He was rushed to hospital for treatment. The police arrived at the scene and opened investigation into the incident.

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

ICHR continued throughout the month of May 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 **97** complaints from citizens in the West Bank including **16 (16%)** against the security agencies in which they claim they were subjected to torture.

These complaints were distributed as follows:

- **9** complaints against Police General Investigation Department
- **4** complaints against the Preventive Security Agency
- **3** complaints against the Military 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.

The ICHR received during the same period **60** complaints from citizens in the Gaza Strip including **13** complaints (**22%**) 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 May **97** complaints against the security agencies of which **34** included allegations of negligence of fair legal procedures in the West Bank.

It also received **60** complaints against the security agencies of the MoI operating in the Gaza Strip of which **39** include allegations of negligence of fair legal procedures, political detention and non-categorization of inmates.

III. Assault on press freedoms, peaceful assembly and academic freedoms.

ICHR documented during the period covered by this report the following cases:

- On 9 May, 2012, Security forces belonging to the government in Gaza broke up the meeting of Egyptian and Palestinian writers and intellectuals participating in the closing ceremony of the fifth Palestine Literary Festival in Gaza. According to the information of ICHR, the festival was held at Dar al-Basha Hall eastern Gaza in the presence of Egyptian writers and intellectuals who entered Gaza in coordination with the Ministry of Culture. While an Egyptian author was giving a word on public freedoms, lights went out and the police asked the participants to leave the hall preventing them from taking any photography. The guest writers were forced to leave, too.
- On 5 May, 2012, students of the Islamic bloc at Bir Zeit University organized a sit-in protesting security services' detention of two students (Mundir Alawi, Fahim Dar Ali) and pursuit of other students with the purpose of arresting them due to their activities inside the campus of the university. The sit-in protest lasted until 28 May. They agreed to end it after members of the legislative council informed them that Prime Minister Fayyad pledged to follow up the case and ban pursuit of students for their activities at universities.
- On 6 May, 2012, students of the Islamic bloc at Al-Quds University organized a sit-in protesting detention of two students (Ez al-Din Abed, Nidal Ayed Tawil) by the intelligence agency in Ramallah due to their activities inside the campus of the university. They ended the sit-in protest after the release of the students on 8 May.
- **ICHR** received a complaint from Uthman Omar Uthman Nakhleh against the General Police Investigation Unit on 12 May. He stated that the police personnel handed him over to the intelligence agency which in its turn interrogated him about his political affiliation and participation in rallies organized in solidarity with prisoners held in the Israeli jails.

Freedom of press, expression and information:

- On 7 May, 2012, security forces prevented al-Quds satellite channel (reporter Hanadi Nasirallah, cameraman Rami Hassan Abu Shamaleh, technician Yousif Tilbani) from making a report on al-Shifa Hospital in Gaza city. According to the statement of cameraman Abu Shamaleh, they were intending to make a report on the health condition of one of the mothers of hunger strikers in Israeli prisons, but the security personnel at the hospital prevented and held them in the security office there on the pretext that they don't have a permit to film. They were released after the intervention of the channel's director and public relations officer at the hospital. The police service said that they opened investigation into the incident.

IV. Assault on persons and public and private property:

ICHR monitored during the period covered by this report the following cases:

- On 2 May, 2012, after mid-night, unknown persons fired at the house of the governor of Jenin Qadura Mousa. According to the information of ICHR, they fired from a mountain opposite to his house, but no injuries were reported. At 2:00am, the governor who was 60 years old died of acute heart attack. A high inquiry finding committee was formed to discover who was behind the incident of firing and the security services made several arrests in the governorate of Jenin. Tens of people were arrested and **40** of them were transferred to the preventive security detention center in Jericho. ICHR received **18** complaints from the families of the detained.
- On 5 May, 2012, an explosive grenade went off near the house of Ali Abdullah Abu Zaid, 38 years old, from al-Burej refugee camp in Gaza. Damage was caused to the façade of the house and its windows. The police arrived at the scene and opened investigation into the incident.

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

ICHR received during the period covered by this report four (4) complaints with allegations that the competent authorities haven't enforced courts' rulings including a ruling issued by the High Court of Justice. The rulings that haven't been enforced yet:

| 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 Fayez Muhammad Lahluh | General Intelligence\ Hebron | March 9, 2012 | On 10 May, 2012, the reconciliatory court of Hebron ordered his release on cash bail of JD 1000 but went unimplemented. |

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| 3 | Ayub Ahmad Qawasmis | Preventive security \ Hebron | | On 30 December, 2010, the military court sentenced him to 8 months in prison. He served the term of the sentence but not released yet or tried by a civil court |
| 3 | Muhammad Jawad Katut | Preventive security \ Nablus | 5 November, 2009 | On 21 December, 2009, the High Court of Justice ordered his release but its decision went unimplemented. He has been held since 5 November for political affiliation. |

Concerning the administrative level, ICHR received in May a complaint from Aysar Nawaf Dawod Barham in which he claims that the competent authorities haven't implemented the ruling of the high court of justice number 690\2009, issued on 28 September, 2011, repealing Jericho's municipality decision of freezing his grades and canceling his allowances.

Further, a number of courts' decisions issued long ago haven't been implemented yet as shown in the attached table, appendix 1.

VI. Violation of the right to travel and transportation:

- ICHR received during the period covered by this report a complaint from Haron Hor from Gaza city against the Ministry of the Interior in Ramallah. He claims

that it deprived him of the right to obtain or renew passport. He applied for that through the public services offices working in Gaza. They informed him that he can't get a passport due to a security decision made by the general intelligence agency in Ramallah with no more details.

- On 22 May, 2012, members of the internal security agency stationed at Rafah crossing banned Ibrahim Abdelhadi Hamami, 43 years old, from al-Amal neighborhood in Khanyounis, leading member of Fatah movement, from travelling to Egypt through Rafah crossing. He told ICHR that while he was waiting on the crossing, he was called in for an interview with the internal security officers at the crossing. They interrogated him about his activities as Fatah member and gave him a notice for an interview at the office of the internal security in Khanyounis on 30 May, 2012. ICHR learnt that he was allowed to travel after that date.

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

ICHR received during the period covered by this report a number of complaints on deprivation of citizens of the right to hold public office due to security clearance conditions. It received (12) complaints of canceling appointment of persons nominated to take over jobs as teachers because they didn't get the approval of the competent authorities (security clearance) in contravention of the Palestinian civil service law of 1998 and its subsequent amendments.

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

ICHR received during the period covered by this report fifteen (15) complaints on violations of the rights of PWD such as the right to work, suitable work environment, health services, social insurance and other rights enshrined in the Palestinian law of the PWD and constitution.

Appendix 1

A list of Palestinian courts' decisions issued over the past months but went unimplemented till the time of publishing this report:

| Number | Name | Detention center | Detention date | Verdict date |
|--------|--------------|------------------|----------------|-------------------------|
| 1 | Islam Hassan | General | | On 7\11\ 2010, the high |

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| | Jamil Hamid | intelligence, Jericho | 4\ 9\ 2010 | court of justice ordered his release because of the detention procedures in regard of this case were inappropriate. The decision went unimplemented. |
| 2 | Arafat Awni Abdelqadir Awad | Military intelligence, Nablu | 16 \ 11\ 2011 | On 19 \ 3\ 2012, the high court of justice ordered his release, but the decision went unimplemented. |
| 3 | Ahmad Abdelrahman Abdellah Muhammad | Intelligence Detention Center \ Nablu | 14\2\2011 | On 19\ 3 \ 2012, Nablu Court of First Instance ordered his release on bail but went unimplemented. |
| 4 | 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. |
| 5 | Abdelrahman Muhammad Fawzi | General intelligence, Nablu | 14\2\2011 | On 3\11\2011, the high court of justice ruled that the detention procedures in regard of this case were inappropriate. |
| 6 | 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. |
| 7 | Mutasim Taysir Yasin Natsheh | General Intelligence \ Jericho | 2\9\2010 | 14\11\2010, the High Court of Justice ruled that the detention procedures |

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| | | | | in regard of this case were inappropriate. |
| 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 Center \ Jericho | 3\9\2010 | On 7\11\2010, the High Court of Justice 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 |

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|----|-------------------------------------|--|-----------|--|
| | | | | unimplemented. |
| | 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 | 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. |

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 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.
 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.
 7. 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.
 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 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.