



الهيئة المستقلة لحقوق الإنسان

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The Independent Commission for Human Rights



Monthly Report on Violations of Human Rights and Freedoms in the PNA-Controlled Territory February 2009

This Monthly Summary Report of February 2009 on violations of Palestinian human rights and public freedoms is released in the context of the continued siege imposed by the Israeli occupying authorities on the Gaza Strip, Palestinian reconciliation efforts, as well as initiatives launched for the recovery and reconstruction of Gaza following the latest Israeli offensive aggression.

Recognising the many difficulties and predicaments posed by the Israeli offensive, which effectively prevent the *de facto* authority in the Gaza Strip from the smooth performance of its assigned functions or surmounting resultant impacts of the Israeli aggression within a short period of time, the **Independent Commission for Human Rights (ICHR)** stresses that violations of human rights and public freedoms throughout the Palestinian-controlled Territory should always be monitored and documented. Human rights are an indivisible whole and may not be subject to procrastination. Under all circumstances, due protection of human rights should also be at the forefront of the PNA's binding duties.

This report highlights major human rights violations as monitored and documented by **ICHR** throughout the PNA-controlled territory in the West Bank and Gaza Strip over the month of February 2009.

Based on monitoring and documentation of infringements on human rights and public freedoms during the month of February 2009, **ICHR** concludes the following:

1. Death incidents generated by torture and under unknown circumstances have risen.
2. In disregard of relevant provisions under the Palestinian *Basic Law* and *Law of Penal Procedure*, incidents of arbitrary detention have also steadily risen throughout the PNA-controlled territory. Security forces have continued to detain citizens in both the West Bank and the Gaza Strip.
3. In the Gaza Strip, the Military Justice Authority sentenced a citizen to the death penalty on account of collaboration with a foreign country.
4. According to claims and grievances filed to **ICHR**, persons detained by PNA security

ICHR has been constituted according to *Presidential Decree No. (59) of 1993* and Article (31) under the *Amended Basic Law of 2003*.

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agencies in the West Bank have continued to be subjected to abuse and torture.

5. Reported encroachments on the freedom of expression have continued.

Below is a detailed description of violations of human rights and public freedoms reported in February 2009:

1. Violation of the right to life and physical safety:

In the month of February 2009, **ICHR** documented **15** death incidents throughout the PNA-controlled Territory. Of these, 4 citizens died as a result of torture; 2 under obscure circumstances; 6 during family fights and acts of revenge; 2 in the course of arms chaos and local explosions; and 1 in a detention centre in the West Bank. **ICHR** also monitored 7 other deaths in events associated with tunnels on the Egyptian border with the Gaza Strip.

Deaths generated by torture during detention:

In February 2009, the following citizens were killed after they had been subjected to torture, while they were detained by the Internal Security agency and Police forces of the Deposed Government in the Gaza Strip:

- On 2 February, **Basheer 'Ilayyan al Zaytouneh**, a 41-year-old resident of the Gaza city, died after he was beaten on various parts of his body. According to his family's affidavit, Internal Security officers detained Al Zaytouneh from his house on 29 January 2009. Later, the family located their son's dead body in the Al Shifa' Hospital in Gaza city.
- On 6 February, **Jamil Shafeeq Shaqqourah**, a 51-year-old resident of the city of Khan Yunis, died of a brain stroke. As he was subjected to torture, Shaqqourah was beaten on the head and on various parts of his body. According to information reported to the **ICHR**, the Gaza Deposed Government's Internal Security agency summoned and detained Shaqqourah on 30 January 2009. After his health condition deteriorated, Internal Security officers transported Shaqqourah to the Nasser Hospital in the city of Khan Yunis, where he died.
- On 9 February, **Nihad Sa'di al Dabbakeh**, a 47-year-old citizen from Gaza city, died as a result of the torture he was subjected to. According to information transmitted to the **ICHR**, Internal Security officers detained Al Dabbakeh on 7 February 2009. Two days later, his corpse was transported to the Al Shifa' Hospital in Gaza city.
- On 7 February, **'Ata Yousef al Bura'i**, a 39-year-old resident of Gaza city, was slain after he was beaten on all parts of his body. According to **ICHR**'s documentation, armed masked individuals, who claimed they were Police officers, forced Al Bura'i out of his house on 5 January 2009. Less than an hour later, he was released. However, his health condition deteriorated and his family transported him to the Al Quds Hospital in Gaza city, where he passed away.

Deaths under unknown circumstances:

- On 28 February, the corpse of **Hasan Mohammed Hasan Hirz**, a 39-year-old resident of Gaza city, was located at the Al Shifa' Hospital. Marks of torture and beating were visible on the dead body. According to the **ICHR**'s documentation, Hirz left his house on 27 February, but his destination and place were not known until after his corpse was located.
- On 27 February, the dead body of **Hamzeh Mahmoud al Shobaki**, a 40-year-old citizen from Gaza city, was located at the Al Shifa' Hospital. A bullet wound was fired to the head and scars of torture were marked on various part of the body. Pursuant to **ICHR**'s information, the killed citizen had been detained in the Al Saraya Prison on account of collaboration with the enemy, but fled after the Israeli occupying forces shelled the prison during their offensive on the Gaza Strip.

Citizens killed in family fights and acts of revenge as well as in incidents of manslaughter:

According to **ICHR**'s monitoring and documentation, 6 citizens were reported to have been killed in family fights and disputes during the month of February 2009:

- On 24 February, **Mohammed Bahjat Isma'il**, a 65-year-old citizen from the Al Maghazi refugee camp in the governorate of Central Gaza died of his injuries sustained earlier on 15 February 2009 during a family fight.
- On 5 February, **Azizah Ibrahim ash Shiltawi**, a 32-year-old female citizen from the city of Rafah, died. Having launched an investigation into the incident, the Public Prosecution found out that Ash Shiltawi's husband had poisoned her food with the intention to kill her due to recurrent disputes between them.
- On 22 February, **Mustafa Hussein Abu al 'Adel**, a 26-year-old resident of the city of Qaliqiliya, died after he was stabbed with a knife during a fight with his acquaintances.
- On 11 February, sisters **Shahd Nidhal al Warasneh**, 1.5 years, and **Ruba Nidhal al Warasneh**, 3 years, died at the Al Ahli Hospital in the city of Hebron after their father severely beat them at home in the town of Ash Shuyukh in the northern Hebron governorate. According to information reported to the **ICHR**, the Police arrested the killer. Suspecting that he suffered from mental disorders, however, the Police transferred him to a mental asylum.
- On 12 February, **Jamal Izzat Adwan Barath'iyyeh**, a 46-year-old resident of the town of Surif in the northern Hebron governorate, was killed after he was stabbed in the chest during a family fight in the town. The Hebron Police Directorate arrested the assassin and launched an investigation into the incident.

Fatalities caused by arms misuse and local explosions:

According to **ICHR**'s monitoring and documentation, 2 citizens were reported to have been killed as a result of arms misuse and local explosions. These are as follows:

- On 14 February, **Buthaynah Mohammed Abu Rabi'**, a 46-year-old female citizen from the Al Mughraqa neighbourhood south of Gaza city, sustained a bullet wound in the chest and died, while she was in her house opposite the evacuated settlement of Nitzarim. According to information reported to the **ICHR**, Palestinian resistance factions were conducting a training activity in the area.
- On 5 February, **Rami Jamil Ashour**, a 28-year-old resident of Gaza city, was killed by shrapnel from an explosive device, which was detonated at the entrance to the Al Waha Coffee Shop in Al Rimal neighbourhood in the centre of Gaza city. At the time of the explosion, Ashour was in company of his friend, owner of the coffee shop.

Death incidents inside detention and interrogation centres:

During the month of February 2009, **Mohammed al Hajj**, a 30-year-old resident of the village of Jalqamus, died while he was detained in the detention and interrogation centre of the Palestinian Preventive Security agency in the city of Jenin. According to **ICHR**'s documentation, Preventive Security officers detained Al Hajj on 6 February. On the next day, he was presented to the Military Prosecution, which decided to extend his detention for a period of two weeks. On 8 February, however, Al Hajj was found dead. It should be noted that a preliminary report released by the physician appointed at the detention and interrogation centre stated that Al Hajj was in a good health condition.

Sentence to death penalty:

On 22 February 2009, the Military Court convening in the Gaza city entered a verdict ruling for the execution by shooting of **N. S. A. F.**, a 28-year-old resident of the town of Beit Hanun in the governorate of Northern Gaza. In accordance with the provisions of Chapter III under the *Revolutionary Penal Law of the Palestine Liberation Organisation of 1979*, the said citizen was convicted of capital treason. To be implemented, the court decision must be endorsed by the PNA President.

In addition, **ICHR** documented **7 death incidents in events associated with tunnels** along the Egyptian border in the governorate of Rafah. Of these, citizens died under the rubble of collapsed tunnels; due to suffocation; or falling into these tunnels. Other citizens died of burns sustained of fire set inside these tunnels.

Torture under detention – Inhuman, cruel and degrading treatment:

ICHR views with deep concern the continuing violation of detainees' right to physical safety. Furthermore, **ICHR** deems that all forms of abuse and torture exercised by

Palestinian security forces in the Gaza Strip and West Bank are prohibited. Culpable as they are, these acts should be banned and respective perpetrators penalised.

As in previous months, **ICHR** continued to receive grievances over the month of February 2009. Complainants claimed that they were subjected to torture and abuse by security agencies of both the PNA in the West Bank and the *de facto* government in the Gaza Strip.

In the West Bank, **ICHR** received **6** complaints from citizens, alleging that they were subjected to torture. These grievances were filed against various security agencies, including the Police, Preventive Security, Military Intelligence, and General Intelligence. In the Gaza Strip, however, **ICHR** did not receive any similar complaints over February 2009.

2. Violation of the freedom of opinion and expression:

Throughout the West Bank and the Gaza Strip, various forms of encroachments continued to be committed against freedoms of opinion and expression. In this context, Palestinian security agencies arrested a number of journalists and unidentified individuals opened fire on media agencies. **ICHR** reported a number of attacks on the freedom of the press over the month of February 2009. Below are the most prominent violations:

- On 7 January, Police officers of the Gaza Deposed Government demanded that Wa'el Issam Abdul Qader, a correspondent delegated by the Al Arabiya Satellite Channel to cover the Israeli aggression on the Gaza Strip, immediately leave the Gaza Strip without stating any reasons. A Police force accompanied Abdul Qader to the Rafah Border Crossing, from which he left for Egypt.
- On 7 February, unidentified individuals opened fire on offices of the Al Hayat al Jadida Newspaper in the city of El Bireh, causing minor damage to the offices. No casualties were reported.
- On 19 February, unidentified individuals opened fire on the building housing the Al Hayat al Jadida Newspaper once again. The building sustained no damage and no injuries were reported.
- Having been arrested on 26 January 2009, the Palestinian Preventive Security agency continued to detain Issam al Rimawi, a reporter at the Associated Press and press photographer at the Palestine News Agency (Wafa), until 10 February. According to al Rimawi's affidavit, he was interrogated and subjected to binding in a painful position (*Shabeh*) in the detention and interrogation centre of the town of Beituniya in the governorate of Ramallah.

3. Infringements on the right to fair legal proceedings:

Relevant reported encroachments entail arbitrary detentions and arrests on political grounds.

ICHR continues to express deep concern at continuous incidents of arbitrary detentions and political arrests that do not comply with fair legal procedures and deny citizens' personal freedoms without any respective legal justifications. In violation of the Palestinian *Basic Law* and *Law of Penal Procedure*, the most fundamental right of detained citizens to be presented in front of a natural judge (i.e. regular judiciary) has been derogated. Security agencies have also continued to detain affected citizens under arrest warrants issued by the Military Justice Authority.

During the month of February 2009, **ICHR** received **62** complaints addressed against security forces of the Deposed Government in the Gaza Strip. In 21 grievances, affected civilians claimed that detention procedures were erroneous.

According to information reported to the **ICHR**, dozens of citizens are being held by security forces in undisclosed places, such as prisons or detention centres, belonging to the Ministry of Interior of the Gaza Deposed Government. It should be noted that a number of detainees had been jailed in detention centres that were targeted and shelled during the Israeli offensive on the Gaza Strip. So far, neither the **ICHR** nor detainees' families could visit prisoners.

In the West Bank, **ICHR** also received **131** complaints against the PNA security apparatuses. Of these, 43 citizens claimed that faulty procedures were implemented to detain them.

4. Attacks on public and private institutions and properties:

In February 2009, **ICHR** documented the following attacks on public and private institutions and properties:

- On 2 February, Internal Security officers of the Gaza deposed Ministry of Interior raided offices of the Al Marsad National Media and Telecommunications Centre in the Gaza city. In addition to destroying its doors, Internal Security officers tore apart papers, files and documents belonging to the centre.
- On 5 February, an explosive device was detonated at the entrance to the Al Waha Coffee Shop, which belonged to Nael Adas in the centre of Gaza city. The attack resulted in the killing of 1 citizen and injury of 3 workers in the coffee shop as well as 1 passer-by.
- On 9 February, a hand grenade was thrown at a house belonging to Mazen Mahmoud Hamdounch, a 46-year-old resident of Gaza city. No casualties were reported.

According to Hamdounah's affidavit, the individuals who threw the grenade were members of the Internal Security agency. It should be noted that the affected citizen is a member of the Fatah Movement.

5. Delayed execution of court judgements:

PNA security agencies in the West Bank, particularly the General Intelligence agency and the Preventive Security agency, have continued to refrain from executing several decisions entered by the Palestinian High Court of Justice with regard to persons detained on political grounds. These have been detained according to arrest warrants issued by the Head of the Military Justice Authority. However, it should be noted that the continued detention of these persons and non-implementation of the High Court's decisions are an encroachment on the Court's relevant jurisdiction. It is also a deprivation of personal freedom, which is intrinsically safeguarded by Articles (11) and (12) under the Palestinian *Basic Law*. Unless they are detained on other charges, detained persons should immediately be released.

Major examples on non-executed court judgements are as follows:

1. On 15 December 2008, the Palestinian High Court of Justice issued a decision on the release of ***Mahmoud Hussein Mohammed Shanaran***, who has been detained by the Preventive Security agency in the Hebron Detention Centre since 4 November 2008. Apprehended on the basis of an arrest warrant issued by the Head of the Military Justice Authority, Shanaran is still held in custody.
2. On 24 December 2008, the Palestinian High Court of Justice issued forth a decision ruling for the release of ***Mohammed 'Umran Abdul Hameed Abu Omar***, who has been detained by the General Intelligence agency in the city of Hebron since 29 October 2008.
3. On 15 December 2008, the Palestinian High Court of Justice issued forth a decision on the release of ***Mahmoud Hasan 'Alaya al Harini***, who has been detained by the Preventive Security at the Hebron Detention Centre since 4 November 2008 according to an arrest warrant made by the Head of the Military Justice Authority. So far, the High Court's decision has not been implemented. Claiming that it was not officially notified of the decision, the Preventive Security agency has continued to detain Al Harini.
4. On 2 November 2008, the Palestinian High Court of Justice ruled in favour of the release of ***Amjad Mohammed Amin 'Uthman al Hammouri***, who has been detained by the General Intelligence agency at the Hebron Detention Centre since 13 October 2008.
5. Also on 2 November 2008, the Palestinian High Court of Justice issued a decision for the release of ***Kamal 'Amer Abdullah Abu Tu'eimeh***, who has been detained by the Preventive Security agency at the Hebron Detention Centre since 15 September 2008. Apprehended according to an arrest warrant issued by the Head of the Military Justice Authority, the High Court's decision has so far not been

carried out. Claiming that it was not officially informed of the decision, the Preventive Security agency has continued to detain Abu Tu'eimeh.

6. On 17 November 2008, a decision was entered by the Palestinian High Court of Justice to release ***Bilal Sa'di Abdul Afu al Qawasmeh***, a citizen detained by the General Intelligence agency in the Hebron Detention Centre. Since 13 October 2008, Al Qawasmeh has been detained under an arrest warrant issued by the Head of the Military Justice Authority.
7. On 12 September 2008, ***Bassam Sameeh Abu Dayyeh***, a resident of the city of Bethlehem, has been detained in the Jericho Detention Centre by the General Intelligence agency based on an arrest warrant issued by the Head of the Military Justice Authority. On 26 January 2009, the High Court of Justice entered a decision for the release of Abu Dayyeh. However, the decision was not executed until 23 February 2009.
8. On 5 January 2009, the Palestinian High Court of Justice ruled in favour of the release of ***Basem Mohammed Hammad Ubeido***, a citizen detained by the General Intelligence agency in the Hebron Detention Centre. Ubeido has been detained by an arrest warrant issued by the Head of the Military Justice Authority since 1 October 2008. Until the time of reporting, the High Court's decision has not been put into effect.

6. Dismissal from civil service (teachers who were appointed under the Hamas Government in 2006):

For the fourth consecutive month, the Palestinian Ministry of Education has continued to issue decisions on the dismissal or suspension of the appointment of a number of school teachers and staff. Over the past three months, **ICHR** has received **15** complaints, in which aggrieved persons claimed that they had been fired from their jobs by a decision of the Minister of Education on the pretext that illegally competent authorities did not approve or recommend their being appointed. To this avail, **ICHR** declares that such a measure violates the Palestinian *Basic Law* and *Law of Civil Service* as well as infringes on citizens' right to occupy public functions on an equal footing.

7. Strikes and consequent violation of citizens' right to access public services:

Over the month of February 2009, public servants and staff members of the United Nations Relief and Works Agency (UNRWA) carried out a number of strikes, as follows:

1. On Thursday, 12 February, 40,000 employees in the education sector in the West Bank declared a general strike in protest against postponed disbursement of their salaries until mid February 2009, thereby depriving all school students throughout the West Bank from their right to education on the reported day.
2. On Thursday, 19 February, the 40,000 employees in the education sector in the West Bank declared another strike. According to a statement made by the General Union of Palestinian Teachers, teachers protested against the Government's indifference towards their demands. These included: issues relating to teachers

appointed between 2006 and 2008; non-disbursement of 25 million US\$, which had been approved by the Government due to the increase in cost of living, risks and expenses of teachers holding a Jerusalem ID card, all of which retired teachers were not included; as well as other administrative demands. On the reported day, all school students in the West Bank were effectively deprived from their right to education.

3. On Saturday, 14 February, all UNRWA staff members declared a strike throughout the West Bank, demanding that working days be reduced to 5 days.
4. On Sunday, 15 February, public servants at 32 Palestinian ministries in the West Bank declared a strike in protest against unpaid salaries and not receiving allowances for the increased cost of living.