

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

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

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

- Deaths in mysterious circumstances and in the so-called family honor background.
- Implementation of death sentences in the Gaza Strip.
- Allegations of torture and ill-treatment of detainees in the West Bank and Gaza Strip by the security services continued, according to the complaints submitted to the ICHR.
- Detention without due process continued in the West Bank and Gaza Strip.
- Non-enforcement of courts' decisions continued in the West Bank and Gaza Strip.
- Assault on the rights to peaceful assembly and freedom of press continued in both, the West Bank and the Gaza Strip.

## Violations in detail

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

ICHR monitored **16** deaths during July 2012 in the PCT including **7** cases in the Gaza Strip and **10** in the West Bank. As for the cause of death, they were distributed as follows: **1** death occurred in a detention center and **5** deaths were the result of family quarrels and disputes, **two** of which occurred in the Gaza Strip and the other **3** occurred in the West Bank.

**6** deaths cases occurred in suspicious circumstances, **4** of which took place in the West Bank and **2** in the Gaza Strip. One of those death cases was based on the so-called “family honor” background. In addition, there were **3** deaths penalties that took place in the Gaza strip.

The ICHR documented a death case that occurred during the period covered by the present report in the military intelligence detention center in the city of Ramallah and concluded the situation as follows:

#### 1. Deaths in detention centers

The ICHR documented a death case that occurred during the period covered by the present report in the military intelligence detention center in the city of Ramallah and concluded the situation as follows:

-On 15/7/2012, citizen **Osama ‘Akel Hassan Mansour** died during his detention sentence at the military intelligence headquarters in Ramallah that started less than a month before, on June 6<sup>th</sup> 2012. After Osama Mansour passed away, a committee was formed by the Ministry of Interior and the Intelligence Center to investigate the circumstances of his death, the investigation is still going on until now. It is noteworthy to mention that the ICHR issued a statement in which it insisted on the importance of urgently forming an impartial investigation commission and it demanded to publicize the results of the investigation.

#### 2. Deaths in mysterious circumstances

The ICHR documented the following deaths that occurred in mysterious circumstances during the same period:

- On July 7<sup>th</sup> 2012, citizen **Randa Isma’il Khalil Al-Moharek**, 33 years old, from Samu’ near Hebron, died and was buried after obtaining a medical report from a doctor that haven’t seen or checked her body after her death, therefore the report does not specify the cause of her death. According to the ICHR’s information, the woman previously visited the ICHR office in Hebron in order to seek protection from the constant beatings of her

father and filled a complaint since the police failed to protect her. The only thing that the police did was to make her father write a pledge.

After receiving her complaint on April 2<sup>nd</sup>, 2012 and understanding her private case, the ICHR sent her to the Family Protection Police department in order to protect her in the Safe House. But after the head of that department rejected her being in the Safe House, the police brought her father and made him sign a pledge not to beat her. Later on, after contacting the Family Protection unit, the ICHR learned that the woman's father and brother had assaulted her again on July 14<sup>th</sup>, 2012. According to the head of the Family Protection Police department, Randa's father and brother were sent to the Public Prosecution and to the magistrate court, and were released on July 18<sup>th</sup>, 2012 after she gave up on her civil right. And this is how the situation remained until three days (July 21<sup>st</sup>, 2012) later when Randa died and was buried. The Public Prosecution and the Police Department started an investigation after arresting Randa's father, brother and the doctor who wrote the death report as well. The Public Prosecution then ordered to extract the body in order to get it checked by the coroner and so everyone concerned by this case is still waiting for the forensic report.

-On July 18<sup>th</sup>, 2012, citizen **Abd Almo'ez Omar Abd elrazak Al-Shweiki**, 46 years old, from Bethany, located in the suburbs of Jerusalem, was killed by a shotgun fire from unknown assailants in town. According to the ICHR gathered information, the Police came to the crime scene and opened an investigation into the incident, but the responsible assailants as well as the cause of the killing are still unknown.

-On July 26<sup>th</sup>, 2012, citizen **Mohamad Zed Mohamad Al-Madhoun** died after falling from the Engineering Faculty building in the Jerusalem Campus of Abu Diss. According to the gathered information of the ICHR, the police came to the place in question and opened an investigation into the incident. The background of the citizen's fall, whether it's a suicide or a murder, is still unknown.

-on July 7<sup>th</sup>, 2012, the corpse of the 90 years old citizen **Khadra Mohamad Mar'I Zidat** was found in her house, located in Beni Na'im in Hebron city. According to the ICHR information, it was communicated to the police that a dead body of an old woman was found in her hometown house. The corpse was then transferred to the government Hospital of Hebron. The public prosecution then came to the place of crime and after the coroner examined the body it was decided to transfer the old woman's body to the Medico-Legal institute in Abu-Dis in order to have do an autopsy and make sure of the cause of death. A statement issued by the police then confirmed that the cause of death refers to a crime and so with the Public Prosecution and the Police formed a professional team in order to investigate how the crime happened and who did it. Those who were suspected to have

committed the crime and matched the crime evidence were arrested and then referred to the General Attorney to complete the legal procedures.

-On July 5<sup>th</sup> of 2012, citizen **Fadi Adnan Al-Loh**, 29 years old, from Wadi Al-Solka, died from a bullet in his right thigh and severe burns. According to the ICHR's information, the young man was shot by unknown assailants while he was driving a motorcycle which led to a bullet in his right thigh and a bullet in the fuel tank. This led the motorcycle to burn completely and therefore the young citizen had severe burns that led to his death. The police came to the place in question and opened an investigation into the incident which was then referred to the General Attorney in order to find out who committed the crime.

-On July 29<sup>th</sup> of 2012, citizen **Hassan Majdi Al-Howani**, 19 years old, from Al-Mghari neighborhood in Gaza city, died from a shotgun to the head and to the right shoulder. According to the information gathered by the ICHR, the young man and his brother were on their way home, arriving next to the Hosni mosque they found six masked gunmen. A debate between them started that then turned into a fight, and once Hassan Al-Howani fell on the ground, one of the gunmen pointed his gun at him and launched six bullets, two of which hit his head and the other hit his right shoulder. The masked men then ran away. The young man was rushed to Al-Aqsa Martyrs Hospital and from there to Al-Shifa' Hospital, given the seriousness of his condition, where they announced his death. The police then arrived and open an investigation into the crime to determine the circumstances of it and later detained a number of suspects to the crime.

ICHR considers that the official authorities led by the Public Prosecutor should investigate all mysterious deaths and especially the women's deaths cases.

### 3. Deaths due to family quarrels and disputes and Acts of Revenge

-On July 19<sup>th</sup> of 2012, citizen **Naji Dahoud Mas'oud Nasasra**, 75 years old, from Bet Forik, was killed after being stabbed with a knife. According to the ICHR's information, the crime occurred as an act of revenge by repeated similar incidents that took place in that town. The police then arrived to the crime scene and opened an investigation into the incident and arrested the criminals that killed that man.

-On July 22<sup>nd</sup> of 2012, citizen **Amal Yousef Sa'id Akhras**, 18 years old, from Tulkarem city, died after being stabbed with a knife during family disputes. According to the ICHR's gathered information, Amal's father stabbed her several times because she failed her General Secondary final exams. The police then arrived to the crime scene and opened an investigation into the incident.

-On July 30<sup>th</sup> of 2012, citizen Nancy Mahmoud Abdallah Al-Zaboun, 29 years old, from the city of Bethlehem, was killed by her husband who attacked and stabbed her with a knife, in the city center. According to the ICHR's information, the crime occurred after family disputes were repeated several times within the family. The police came to the crime scene and opened an investigation into the incident. They arrested Nancy's husband who was later transferred to the General Attorney to complete the investigation. It is noteworthy, in this regard, to mention that the husband had already assaulted his wife several times and the last of these attacks happened a day before the occurrence of the crime. That day, the police made the husband sign a pledge not to attack his wife again.

-On July 21<sup>st</sup> of 2012, citizen **Mohamad Mohamad Al-Kahlot**, 56 years old, from the Zowaydeh neighborhood in Gaza, died from a shotgun to his abdomen. According to the available information at the ICHR, Mohamad Al-Kahlot was shot by his brother during their fight over the family legacy. The police arrested the shooter and the General Prosecutor opened an investigation into the incident.

-On July 26<sup>th</sup> of 2012, citizen **Moussa Mahi Al-Din Horara**, 35 years old, from Shija'iya neighborhood in Gaza, died from a grenade explosion to his head and other parts of his body. According to the available information at the ICHR, the young man died while he was trying to break up a fight between Abu Zalfa family and Kawta Family, when one of the men concerned in the fight threw the grenade. This led to the death of Moussa Horara and wounded six other citizens. The police opened an investigation into the incident and arrested several suspects.

#### **4. Deaths due to Neglect and Failure to Adopt Public Safety Precautions**

-On July 14<sup>th</sup> of 2012, citizen **Mahmoud Mohamad Murshed**, 15 years old, from Bet Ulla neighborhood in Gaza, died of drowning after falling in a water pool used for irrigation nearby his house. The department of Public and Human Relations of the Civil Defense clarified in a statement that the rescue team rushed to the incident scene to lift the body and handed the young boy to the Red Cross ambulance who took him to the Hospital. And according to the ICHR's information, the police came to the scene and opened an investigation into the incident to find out the circumstances of the accident.

-On July 13<sup>th</sup> of 2012, citizen **Widad Yasser Mohamad Abd El Mon'em Id'iss**, 37 years old, from Yatta neighborhood in Hebron, fell in an absorption pit nearby her house and died. According to the ICHR's information and Widad's parents' testimonies, the young woman was at a wedding party that night, and she

disappeared afterwards. Two hours later she was found in that pit and was taken to Abu Al-Hassan Al-Kassem Hospital in Atta, but she was already dead.

-On July 8<sup>th</sup> of 2012, **Ousama Hisham Kishta**, 15 years old, from Rafah town, died due to a building crane falling over him. According to the information available at the ICHR, the child's presence near a house under construction is due to the fact that he was visiting one of his relatives living in Bshet refugee camp located in south of Rafah. The fall of the building crane led to wounding the child's head and body. He was then transferred to Abu Youssef Al-Najar Hospital where doctors declared his death. The police came to place and opened an investigation into the incident to find out the circumstances of the accident.

-On July 14<sup>th</sup> of 2012, **Youssef Kofah Mortaja**, 11 years old, from Ma'en neighborhood in Khan Younis, died of drowning in a swimming pool. According to the ICHR's information, the child drowned while he was playing with members of his family in the swimming pool of one of the parks in the west area of Khan Younis. He was transferred to Nasser Hospital where his death was declared. The police came to the accident scene and opened an investigation into the incident to find out the details.

## 5. Death Penalty

The ICHR documented, during the period covered by the present report, the implementation of three death sentences in the Gaza Strip. The Interior Ministry in the Gaza strip implemented on July 17<sup>th</sup> of 2012 the death penalty on the following three citizens:

- On September 29<sup>th</sup> of 2010, citizen F.T.W, 52 years old, from the Gaza strip, was sentenced to death by hanging after convicting him of murder. The sentence was issued according to the Palestinian Penal Law of 1936.

-On April 28<sup>th</sup> of 2011, citizen N.J.D, 21 years old, from the Gaza strip, was sentenced to death by hanging after convicting him of murder. The sentence was issued according to the Palestinian Penal Law of 1936.

-On April 28<sup>th</sup> of 2011, citizen H.H.H, 47 years old, from the Gaza strip, was sentenced to death by hanging after convicting him of murder. The sentence was issued according to the Palestinian Penal Law of 1936.

## 6. Deaths based on the so-called “family honor” background

-On July 18<sup>th</sup> of 2012, citizen W.M.K, 19 years old, from Al Shate’ refugee camp in the Gaza strip, was strangled to death. According to the ICHR’s information, the police came to the crime scene and opened an investigation into the incident, and arrested the young woman’s father and brother. It is reminded that there are signs that lead to the possibility of a crime based on the “family honor” background.

## 7. Injuries due to Misuse of Firearms-Internal Explosions

-On July 8<sup>th</sup> of 2012, **Hashem Abdallah Abu Jamous**, 15 years old, from Al-Brej Refugee Camp in the Gaza strip, got moderately injured due to shrapnel explosive. According to the ICHR’s information, the child was wounded while he was trying to dismantle the “cylindrical piece of aluminum” at home, that he had collected through his and his brothers’ work in collecting wasted aluminium in order to sell it again. He was then transferred to Al Aqsa Martyrs Hospital in Der Al- Balah in order to get treated.

## 8. Torture during detention- Cruel and degrading treatment

ICHR received, during the month of July 2012, 41 complaints on torture and ill-treatment, of which **12** in the West Bank and **29** in the Gaza Strip.

These complaints were distributed in the **West Bank** as follows:

- **6** complaints against the General Intelligence Department.
- **6** complaints against the Preventive Security Service.

Most of the allegations were concentrated on “shabh”<sup>1</sup>, punching, beating and ill-treatment.

In the **Gaza Strip**, ICHR documented 29 complaints distributed as follows:

- **28** complaints against the Police agency.
- **1** complaint against the Internal Security detention center.

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.

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<sup>1</sup> Standing in a difficult position for long time.

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

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

ICHR received, during July 2012, **23** complaints in the West Bank on the inappropriateness of detention procedures. The complainants were held in prison either arbitrarily or because of their political affiliation.

In the Gaza Strip, ICHR received during the same month **17** complaints in which citizens complain over inappropriate detention procedures and political detention. Arbitrary detention is still one of the major violations monitored by ICHR on monthly basis. In light of that, it believes that such violations gravely encroach on other rights and cause psychosomatic harm for the citizens. So, ICHR calls on the competent authorities, especially the Public Prosecution to bring such phenomenon to an end.

## **III. Assault on press freedom and peaceful assembly:**

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

- ICHR received **21** complaints from citizens that participated in a peaceful assembly that took place on 1/7/2012 in the downtown of Ramallah. The complaints focused on the abuse of the citizens by members of the police in uniform and civilian clothes. The target of abusing these citizens was to prevent them from exercising their right to peaceful assembly and to protest the visit of Shaul Mofaz to the city of Ramallah. And according to the information mentioned in the complaints, citizens were assaulted by police officers using their hands and legs as well as sticks. Moreover some of the participants were arrested for hours.

It is noteworthy to say in this regard that the ICHR issued a statement condemning the attack on the peaceful assembly and demanding to form a committee to investigate the events and publish the results of the investigation. Therefore the presidency has decided to form an investigation committee to look into these events who later on delivered a report to the president of the Palestinian National Authority. The recommendations were also published in the media.

- ICHR received a complaint from Haitham Ibrahim Abd el-Rahman, reporter of the Shasha News foundation. In his complaint he stated that he was subjected to



harassment and prosecution by police members while he was covering the events of the peaceful assembly held in Ramallah on July 1st.

- ICHR received a complaint from journalist Ahmad Abd al- Hafiz Mosleh where he stated that he was subjected to harassment and prosecution by police members while he was covering the events of the peaceful assembly held in Ramallah on July 1st.

-On July 18<sup>th</sup> of 2012, about 30 participants gathered in front of the Electricity distribution company branch in Rafah to demand the provision of the electricity and the reconnection of Rafah's city to line 9 coming from Israel. And according to the protestors' testimonies present at the ICHR, a police agent came out during the assembly and asked the participants to go to Rafah's police headquarters in order to get a demonstration license. The protestors then went to the police headquarters and asked to meet with the head of the police but they have been told that he is not present. Few minutes later the protestors started to get dispersed and at that moment two people with civilian clothes came into the crowd and tried confiscating a video camera that belonged to one of the protestors. And so the protestors returned to the police headquarters where they got dispersed and three of them got arrested: Wafa' Issam Al-'Orkan, 22 years old and Sifa' Abd Al-Rahman Farhat, 26 years old. They were arrested for a period of 24 hours where they were subjected to beatings by sticks on the feet and other parts of the body before they were released. The third protestor that was arrested is citizen Nidal Mahmood Salah, 23 years old, for 3 hours before he was released.

-On July 18<sup>th</sup> of 2012, about 15 citizens gathered in front of the Energy Authority headquarters in the neighborhood of Al-Rimal in the Gaza strip, in order to protest the continuing power cut-off crisis in the area. The sit-in protest was organized by a number of young activists on the pages of Facebook social network. According to the protestors' testimonies present at the ICHR, a big number of police agents and security service members were present, and one of the officers told them that they had to leave the area within 10 minutes. In the meantime, police agents arrested the journalist and presenter of "Here Jerusalem" channel Mohamad Sliman Abu Nsserah, 23 years old, from the Gaza strip. He was arrested because he was covering the protest and was released 5 hours later. And under the threat from the police and security service agents, the protestors left the area.

-On July 5<sup>th</sup> of 2012, citizen Abd el Jawad Ziyadeh, head of the board of directors of the "Al hayat wal Amal" association, located in the north of the Gaza strip, filed a complaint to the ICHR saying that on this specific day three officials from the Interior Ministry came to the association and handed over a decision issued by the Minister of Interior and National Security in Gaza, ordering the closure and liquidation of the association. They ordered the closure of the two branches located in the Jabalya and the Saftawi refugee camp, and asked the staff to leave the association immediately. They have also done a physical count for the association's assets, closed the association and kept its keys.

-On July 29<sup>th</sup> of 2012, the public prosecutor told the deputy of the journalist syndicate, Tahsin Abd el-Hamid Alasstal, 41 years old, that he is not allowed to travel until the end of the investigation against him, based on the complaint filed by the head of the journalist syndicate in Gaza.

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

#### **IV. Attacks on public institutions, and public and private properties:**

-On July 1<sup>st</sup> of 2012, around midnight, unknown persons fired seven shotguns toward the deputy of the Legislative Council, Shami al-Shami, while he was standing in front of his house in the city of Jenin. He was injured in his left thigh by two bullets and was taken to the Jenin Government Hospital for treatment. According to the ICHR information, the police came to the scene and opened an investigation into the incident which is still going on.

-July 30<sup>th</sup> of 2012, citizens Hamze Al-Jiradat and Mohammad Karajat were subjected to beatings while they were doing their job. They work in the Ministry of the National Economy in Bethlehem as consumer protection inspectors. They got beaten up by the owner and the workers of the Sanabel Al-Mahaba bakery in Hussan village, located in the south of Bethlehem, since they were asked to have the price list publicized and to respect the non violation of the weight.

-On July 17<sup>th</sup> of 2012, the government in the Gaza Strip closed the Unit for External Medical Treatment following the administrative decision the Minister of Health in Ramallah, Dr. Hani Abdeen, to dismiss the Director of the Unit Dr. Bassam al-Badri, and the appointment of Dr. Fathi Al-Hajj in his position, as well as the nomination of a new technical committee of doctors to look into the patients' applications for treatment abroad. Upon the intervention of ICHR and numerous other human rights and civil society organization, an agreement has been reached and the Unit has resumed its work.

- On July 25<sup>th</sup> of 2012, Judge Youssef Khalil Abu Lutfieh, 65 years old, from Khan Younis, was subjected to beatings by hands and by the guns of an armed group, because he cut down a number of trees in front of his house, under which an armed group used to sit and harass his family. Moreover, 16 members of the judge's family were subjected to beatings, including his wife. Police forces came and arrested the judge and his nephew and released them the next day, while 14 members of the family were forced to sign a pledge not to violate laws and regulations.

According to the judge's testimony to the ICHR, the police actions were not proper since they did not follow legal procedures in his arrest, in the arrest of other members of the family and in their action of forcing members of the family to sign pledges.

## **V. Delays and procrastination in implementing court decisions (West Bank):**

With regards to the decisions of the High Court and the Magistrate Court, the **ICHR** has documented a number of complaints regarding non-implementation of these decisions/verdicts by the Executive Authority in both its security and civil sectors, until the moment of preparing this report. Some of these decisions/verdicts are the following:

**Table 1 : the ICHR received 5 complaints alleging non-implementation of court decisions issued during the month of July, and those decisions were as follows:**

<b>No.</b>	<b>Name</b>	<b>Detention Center</b>	<b>Arrest Date</b>	<b>Date of Court decision</b>
1.	Mohamad Jamil Mohamad A'mar	Al-Dhahriya Deten tion Center	3/11/2011	11/7/2012, the Hebron Magistrate Court decided his release but that decision has not been implemented.
2.	Ahmad Idriss Mohamad Al-Jamal	Preventive Security Service/Jericho	18/6/2012	4/7/2012, the Hebron Magistrate Court decided his release but that decision has not yet been implemented
3.	Adel Nathmi Mohamad Al-Jamal	Preventive Security Service/Jericho	13/6/2010	4/7/2010, the Hebron Magistrate Court decided his release but that decision has not yet been implemented.

Along with those decisions issued during the previous months, a number of relevant administrative decisions were also issued, but remained unimplemented by the Executive Authority.

It was noted during the period covered by the report, as in previous months, the persistence of non-implementation of court decisions, or circumvention or delay in their implementation in the West Bank, albeit at a reduced rate than in previous times. The non-implementation of the court decisions, whatever the degree, is still a clear violation of the provisions of the Palestinian Basic Law and in particular Article 106, which stresses "judicial decisions are enforceable and to refrain from implementation in any way is considered a crime punishable by imprisonment, and/or dismissal from office ...".

What distinguished the month of July 2012 is that the General Intelligence implemented all decisions issued by Palestinian courts related to the detention of the people who obtained their release decision. The ICHR issue a statement of public opinion in which it called on the General intelligence of the Palestinian National Authority to work on the implementation of the the courts decisions in accordance with the Palestinian Basic Law.

## **VI. Violation of the right to hold public office, arbitrary dismissal or dismissal based on security clearance conditions:**

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

**Two complaints** over canceling nomination of a teacher for work due to the disagreement of the competent authorities (security clearance) in contravention of the Palestinian civil service law of 1998 and its subsequent amendments.

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

## **VII. Violation of the rights of the people with disability (PWD):**

**ICHR** received during the period covered by this report 3 complaints over violations of the rights of PWD. Most of these complaints were concentrated on discrimination in regards of holding public office and customization of public places and other services such as health and social security and the rights enshrined in the law of the people with disability and the Palestinian basic law.

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

**-END-**