



**Monthly Report on  
Violations of Human Rights and Freedoms in Palestine  
April 2016**

In April 2016, domestic violations continued at a varying pace. This Monthly Summary Report highlights major human rights violations as monitored and documented by the Independent Commission for Human Rights (ICHR). Based on monitoring and documentation of encroachments on human rights and public freedoms during the month of April 2016, the ICHR concludes the following:

**Domestic human rights violations**

Violation	March 2016	April 2016	West Bank	Gaza Strip
Incidents of unnatural death	9	8	3	5
Complaints against torture and ill-treatment	44	37	23	14
Violation of the right to the due process of law	88	20	7	13
Governor-ordered detentions	6	6	6	0
Attacks on peaceful assemblies	5	6	4	2
Unenforced or delayed enforcement of court decisions	7	6	3	3
Violation of the right to freedom of movement and travel	3	3	—	3
Death sentences	—	3	—	3
Violation of the right to freedom of association	1	1	1	—
Dismissal from civil service	—	4	4	—

- Compared to **nine** incidents reported in March 2016, the ICHR monitored **eight** incidents of unnatural death during the month April 2016.
- In comparison to **44** in March 2016, the ICHR received **37** complaints against torture and ill-treatment in April 2016.
- In contrast with **88** complaints filed in March 2016, the ICHR received **20** complaints on violations of the right to the due process of law and detention without fair trial.
- As in March 2016, the ICHR received **six** complaints against governor-ordered detentions in

the West Bank.

- In the West Bank, the ICHR documented **six** attacks on peaceful assemblies and **one** encroachment on the freedom of the press. By contrast, **five** attacks were reported in March 2016.
- Compared to **seven** incidents in March 2016, the ICHR received **six** complaints against unenforced or delayed enforcement of court decisions in the West Bank.
- As in March 2016, the ICHR documented **one** attack on a public institution in the West Bank.
- The ICHR documented three death sentences rendered by the Gaza-based High Military Court, which also endorsed two death sentences entered earlier by the Standing Military Court in Gaza.
- According to ICHR documentation, the General Intelligence agency detained three citizens in the West Bank. These have not be brought before competent judicial bodies.
- Based on ICHR documentation, the Internal Security agency banned **three** citizens from travelling from the Gaza Strip to the West Bank through the Beit Hanun (Erez) crossing.
- According to ICHR monitoring, **four** civil servants were dismissed on arbitrary grounds, claiming that they were not disabled or without stating any reasons. The Ministry of Education and Higher Education also stipulated that, to apply and resubmit applications for vacant positions at the Ministry, applicants need to present certificates of no criminal record and certificates of no conviction.

## **A detailed description of violations:**

### **I. Violations of the right to life and physical safety**

#### **1. Deaths in mysterious circumstances**

- On 18 April 2016, the dead body of M. M., a 37-year-old resident of the Khan Yunis city, was located. Marks of several strikes on the back of the head were made by a sharp tool (shovel). According to information provided to the ICHR, the dead body was buried in the courtyard of a house under construction west of the Khan Yunis city. The Police and Public Prosecution arrived at the scene, exhumed the body, and launched an investigation into the incident. On 11 April 2016, disappearance and loss of contact with M. M. was reported to the Police.
- On 22 April 2016, A. D., a 42-year-old resident of the Yatta town, Hebron governorate, died. According to information provided to the ICHR, the dead body was located in a well in Khirbet Al Buweib east of the town. The Police arrived at the scene and opened an investigation into the incident. Having undergone an autopsy, no criminality was suspected in the death. A. D.'s dead body was handed over to be buried by his family. Investigation is underway to identify how A. D. fell in the well.

- On 25 April 2016, N. A. a 29-year-old female resident of the Hebron city, was found dead. According to information provided to the ICHR, N. A.'s dead body was located in a well in the vicinity of her house. The police and Public Prosecution arrived at the scene and launched an investigation into the incident. The dead body was transported for autopsy to identify causes of death. The investigation showed that no criminality was suspected in the death. Investigation is ongoing to identify how N. A. fell in and died in the well.

## **2. Deaths in family feuds, disputes and manslaughter**

- On 9 April 2016, 18-year-old M. A., a resident of the Al Shuja'iyah neighbourhood, Gaza city, died. According to information provided to the ICHR, M. A. was hit by his father using a stick. The boy was transported to the Al Shifa' Medical Complex, where he was pronounced dead. The Police arrived at the scene and opened an investigation into the incident.
- On 21 April 2016, H. D., a 34-year-old resident of the Gaza city, died of a bullet wound sustained in the chest. According to information provided to ICHR, H. D. sustained injuries during a fight between members of the Daghmash and Abu Middein families. The fight was caused by a dispute over a private road on a land parcel belonging to the two families in the Al Zahra city. H. D. was transported to the Palestine Red Crescent Society (PRCS) Hospital, where he died. The Police arrived at the scene and opened an investigation into the incident.

## **3. Deaths resulting from failure to implement public safety measures**

- On 6 April 2015, Y. A., a 23-year-old resident of the Al Bureij refugee camp, Central Gaza governorate, died. According to information provided to the ICHR, Y. A. died of an electric shock while he was installing wooden scaffolds on a building under construction. Located at the entrance to the Al Nusseirat city, the building was close to high-voltage cables. The Police arrived at the scene and launched an investigation into the incident.
- On 20 April 2016, Y. K., a 24-year-old resident of the Tarqumiya town, Hebron governorate, died of an electric shock while he was at work on a poultry farm. The Police arrived at the scene and opened an investigation into the incident.

## **4. Deaths resulting from the abuse of arms**

On 15 April 2016, A. K., a 19-year-old resident of the Gaza city, was killed. According to information provided to the ICHR, two armed members of the Al Mujahedeen Brigades fired two bullets towards the ground, warning three citizens not to enter a training site of the Brigades northwest of the Rafah city. A bullet hit a stone, bounced back and injured A. K. in the face. A. K. died a short while later. The Police arrived at the scene and opened an investigation into the incident.

## **5. Death sentences**

- On 12 April 2016, the Gaza Court of First Instance rendered a death sentence against M. K., a 42-year-old resident of the Beit Hanun town, Northern Gaza. M. K. was convicted of premeditated murder, looting, carrying a harmful tool, kidnapping with the intention of murder, and possession of narcotic drugs. The court decision was referenced by the Penal Law No. 74 of 1936 in force in the Gaza Strip. The court decision is amenable to appeal.
- On 18 April 2016, the Standing Military Court in Gaza rendered three death sentences against A. Q, a 52-year-old resident of Rafah city; W. A., a 41-year-old resident of the Al-Daraj neighbourhood of Gaza city; and M. D., a 31-year-old resident of the Al-Nuseirat refugee camp. These were convicted of collaboration with hostile entities. Death sentences were made in line with the provisions of the Palestinian Revolutionary Penal Law of 1979. The court decision is amenable to appeal.
- On 18 April 2016, the High Military Court in Gaza endorsed death sentences entered earlier against A. Sh. and N. A., 31- and 38-year-old residents of Gaza city. On 6 August 2015, the Gaza-based Standing Military Court entered a sentence to death by hanging against A. Sh. on charges of murder and collaboration with hostile entities. On 24 August 2015, the Court also sentenced N. A. to death by firing squad on charges of accomplice in murder and conviction of collaboration with hostile entities. Both citizens were convicted in accordance of the provisions of the Palestinian Revolutionary Penal Law of 1979.

## **6. Torture in detention – Cruel and degrading treatment**

During the reporting period, the ICHR received **37** complaints against torture and ill-treatment, including **23** in the West Bank and **14** in the Gaza Strip. In the West Bank, **19** complaints were filed against the Police, **three** against the Preventive Security, and **one** against the General Intelligence. By contrast, **all** complaints were lodged against the Police in the Gaza Strip. According to these complaints, several torture techniques were

used, including *Shabeh*, beating with hands and feet and batons. Detained persons were also verbally abused.

**II. Violation of the right to the due process of law**, including arbitrary detention, arrest on political grounds, and governor-ordered detention.

**Arbitrary and political detention:** During the reporting period, the ICHR received **20 complaints**, including **seven** in the West Bank and **13** in the Gaza Strip. Of these, **seven** complaints addressed invalid detention procedures and arbitrary or political detention.

In April 2016, **six** citizens were detained by orders from governors. All these citizens continue to be detained until the time of writing.

#	Name	Detention date	Place of detention	Detained by	Comments
1	Omar Farouq Shihadeh	31/3/2016	Nablus Police station	Nablus governor	A release order issued by the Public Prosecution; not implemented
2	Nizar Farouq Shihadeh	31/3/2016	Nablus Police station	Nablus governor	A release order issued by the Public Prosecution; not implemented
3	Ja'far Ragheb Bader	14/4/2016	Intelligence, Tulkarem	Nablus governor	
4	Mahdi Mahfouz Taqatqah	11/4/2016	Preventive Security, Ramallah	Tulkarem governor	
5	Samer Hasan al Sa'd	11/4/2016	Preventive Security, Ramallah	Tulkarem governor	
6	Ata Khalil Jalaytah	13/4/2016	Jericho Police station	Jericho governor	

In addition, the ICHR documented three detentions by the Jericho-based General Intelligence agency:

#	Name	Detention date	Place of detention	Detained by	Comments
1	Mohammed Hamed Ibrahim	19/3/2016	General Intelligence, Jericho	General Intelligence	Not presented to competent judicial bodies
2	Ahmed Mohammed Washah	19/4/2016	General Intelligence, Jericho	General Intelligence	Not presented to competent judicial bodies

3	Yousef Nimer Washah	19/4/2016	General Intelligence, Jericho	General Intelligence	Not presented to competent judicial bodies
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### **III. Attacks on public institutions, public and private properties**

On 6 April 2016, unidentified individuals fired 14 bullets on a car belonging to Jamal Rushdi Faleh al Qaddoumi, Coordinator of the Teachers' Movement in Qalqiliya. Al Qaddoumi, 40 years old, was at home when he heard the sound of fire opened on his car, which was parked outside the house. The unidentified individuals fled on a motorbike. The Police and security agencies arrived at the scene and launched an investigation into the incident.

### **IV. Encroachments on the freedoms of opinion and expression, the press, and peaceful assembly**

- On 9 April 2016, a General Investigations force prevented organisation of the First Founding Conference of *Nationalists to End the Divide* in Gaza. Suheil Jaber, member on the Conference Preparatory Committee, reported that he received a telephone call from the General Investigations Department on 7 April 2016, stating that the Conference would be banned. Jaber had already received prior approval to hold the conference from the Police. On 9 April, General Investigations officers were positioned outside the conference hall at the PRCS building in Tal al Hawa, denied access to the hall, and prevented members from organising the conference.
- On 13 April 2016, the Preventive Security agency in Hebron detained Th. T., a 27-year-old resident of the Idhna town, Hebron governorate, on grounds of expressing his opinion in a Friday prayer sermon. On 17 April, Th. T. was brought before the Dura Court of Conciliation, which decided to extend his detention for four days on charges of arousing sectarian feuds. Th. T. was finally released on 21 April 2016. In a complaint he filed to the ICHR, Th. T.'s father stated that his son had been arrested on grounds of expressing his opinion. He was detained on political grounds because he was a proponent of the Liberation Party.
- On 14 April 2016, General Intelligence officers assaulted N. A., a female citizen from Hebron city, during a sit-in protest outside the General Intelligence HQ in Hebron. N. A. demanded that the General Intelligence agency return her daughter's camera, which they had confiscated from her house on 8 March 2016. To disperse the sit-in protest, General Intelligence female officers beat, kicked and slapped N. A. as well as her sister and daughter on the face. General

- Intelligence officers also seized a cellular telephone belonging to N. A.'s sister, and returned it later.
- On 14 April 2016, security agencies in the Dura town prevented the Committee of the Teachers' Movement in Southern Hebron from organising a workshop on union awareness. The workshop was to be held in cooperation with the Palestinian Non-governmental Organisations Network (PNGO) in the Al Kawkab al Thahabi Hall in the Dura town, Hebron governorate. The workshop was scheduled to start at 1:00 pm. However, security agencies (Police, Preventive Security, and General Intelligence personnel) prevented participants from organising the event. In an attempt to hold the workshop, teachers went to the Al Ruwwad Driving School. However, security agencies demanded the principal evacuate teachers from the school.
  - On 23 April 2016, the Internal Security agency detained A. A., a 21-year-old resident of Khan Yunis city. A. A.'s family reported that he was detained on grounds of creating *It's Not Chaos*, a page on Facebook attacking the Hamas movement and government in Gaza.
  - On 26 April 2016, security agencies in Tulkarem prevented a group of teachers from organising an encounter in the Tulkarem public park, bringing together teachers in the Tulkarem governorate. According to information provided to the ICHR, security officers notified teachers of the need to obtain permission from the governor before they organise any assembly. In a statement to the ICHR, a teacher said the Director of the Governor Office reported that the governor would not allow teachers to hold a meeting without a decision from the Teachers' Union. Only the latter is authorised to call teachers for an assembly.

## **V. Violation of the right to travel**

- On 3 April 2016, the Palestinian Police banned Fayez Zayed Mahmoud al Rajabi, a 52-year-old resident of the Hebron city, from travelling on the Al Karama (Allenby) Bridge, and demanded that he report to the General Intelligence agency in Hebron. Having reported to the agency, General Intelligence officers seized Al Rajabi's passport and personal ID card to prevent him from travelling. In a complaint he lodged to the ICHR, Al Rajabi stated he had received a decision from the Attorney General, allowing him to travel abroad. On 25 April 2016, the ICHR sent a letter to the Attorney General, inquiring about the ban on travel. However, the ICHR have not received a reply until the time of reporting.
- On 5 April 2016, members of the High Constitutional Court Dr. Fat'hi Abdul Nabi al Wuheidi, 64 years old, and Dr. Abdul Rahman Abdul Majid Abu al Nassr, 60 years old, were banned travelling through the Beit Hanun (Erez)

crossing to make the oath before the President of the State of Palestine. They were also prevented from making the oath via videoconference at the Council of Ministers. Dr. Al Wuheidi stated that, on 4 April 2016, he had received a telephone call from a Hamas leader, reporting that he was banned from travelling through the Beit Hanun crossing. If he tried to travel, Dr. Al Wheidi would be banned and returned to Gaza.

- In April 2016, the ICHR received a complaint from the family of Marwah Fakhri al Masri, a 46-year-old female resident of the Khan Yunis governorate, member on the Fatah Women's Leadership, and board member of the General Union of Palestinian Women. Al Masri stated that, on 20 April 2016, Internal Security officers prevented her from travelling through the Beit Hanun (Erez) Crossing to participate in the general meeting of the General Union of Palestinian Women. She was notified to report to the Internal Security HQ to cancel the ban on travel. When she reported to the Internal Security, Al Masri was detained and interrogated on charges of disturbing public security. On 26 April 2016, Al Masri was released on bail.

#### **VI. (Arbitrary) dismissal from, and stipulation of security vetting for employment, in the civil service**

- Mohammed Nasser al Amleh, a 26-year-old resident of Hebron, stated that on 20 February 2010 he joined a 50-day military course at the Special Police HQ in Hebron. Having completed the course on 10 April 2010, he was appointed at the Old City Police unit **with a monthly salary**. On 25 February 2011, he was relocated to the Halhul Police station and on 5 August 2011 to the Nuba Police station. On 15 January 2015, he was reassigned to his former station at the Old City Police unit. By a decision from the Hebron governor, Al Amleh was turned into a civil servant and assigned to work as a Municipal Inspector. On 29 February 2016, a decision was made by the Hebron governor to cease Al Amleh's salary. He had been dismissed without stating any reasons. The decision was transmitted verbally to Al Amleh.
- In a statement she made to the ICHR, Saedah Mohammed Abu Sabhah, a 30-year-old resident of the Yatta town, said that on 17 September 2015 she was appointed as a teacher at the Yatta District Directorate of Education in line with the 5% quota for the employment of people with disabilities. On 17 November 2015, she received a letter of employment. However, on 4 April 2016, a decision was made by the Minister of Education and Higher Education, dismissing Saedah because she is not disabled. The decision stated that Saedah's disability of 32% is an illness, not a disability.



- Ra'fat Mousa Mohammed Subeih, a 30-year-old resident of the Bethlehem city, stated that, on 9 December 2015, a decision was made to appoint him as a teacher at the Bethlehem District Directorate of Education in line with the 5% quota for the employment of people with disabilities. On 4 April 2016, a decision was made to cancel his employment under the pretext that he suffered from an illness, not a disability. Physicians estimated that Subeih's disability was 75%.
- On 17 April 2016, the ICHR received a complaint from Ahmed Mahmoud Abu Awwad, 36 years old, stating that on 3 December 2012 he was nominated for employment in the position of an educational advisor in the Southern Hebron District Directorate of Education. Abu Awwad, who had a 50% disability, was appointed on account of the quota for the employment of people with disabilities. On 10 February 2016, after four years of employment, Abu Awwad was surprised by a decision from the General Personnel Council (GPC), stating that his nomination for the position would not be accepted. On 15 February 2016, Abu Awwad sent a letter to the Complaints Unit at the Ministry of Education and Higher Education (MoEHE). The Legal Department at the Ministry replied: "The GPC is not entitled to dismiss Abu Awwad and cancel his nomination, claiming that kidney failure is not a disability. From the onset, his name was not crossed from the list of nominees for employment on the 5% quota. By the time he completed the probationary period, his nomination was not cancelled. The Higher Medical Committee recommended he was valid for employment and tenure."
- On 14 April 2016, the ICHR sent a letter to Dr. Sabri Saydam, Minister of Education and Higher Education, in relation to the Ministry's stipulation that, to apply or resubmit applications for vacant positions at the MoEHE, applicants should present certificates of no criminal records from the Ministry of Interior, as well as certificates of no conviction from the Ministry of Justice. The amounts required to receive these certificates are NIS 40 and NIS 15 respectively. According to the ICHR, this condition is in conflict with Article 24(4) of the Law of Civil Service, which provides that a certificate of no conviction is obtained by applicants for civil service only. This requirement reinstates security vetting procedures, which had already been abolished by the High Court of Justice on 4 June 2012 and by the Council of Ministers on 25 April 2012. To impose fees without legal grounds violates the Basic Law and increases financial burden on citizens. As a result of the ICHR's intervention, the MoEHE postponed implementation of this procedure. The ICHR is of the opinion that postponement means that the condition would be potentially revoked. On 3 May 2016, the ICHR received a reply from the MoEHE, stating that the certificate of no criminal record needs to be presented by applicants for educational positions at the Ministry. The requirement is in tandem with Article 18 of the Bylaw of the Law of Civil Service, which lists documents to be enclosed with the applications

for employment. Also, the certificate would only be requested at the time of employment.

## **VII. Rights of people with disabilities**

The ICHR received three complaints on the rights of people with disabilities. According to the General Union of People with Disabilities, the MoEHE dismissed Saed Mohammed Abu Sabhah, Ra'fat Mousa Subeih, and Ahmed Mahmoud Abu Awwad, all disabled persons, from their jobs. The Ministry was of the opinion that these suffered from illnesses, not disabilities. Having contacted the MoEHE, the ICHR received replies confirming the Ministry's opinion on the affected citizens' complaints.

## **VIII. Delayed and stalled enforcement of court decisions**

The ICHR received **six** complaints against delayed or unenforced court decisions. Complaints were as follows:

- On 9 February 2016, the Preventive Security agency detained Mohammed Amin Kan'an in the Ramallah city. Kan'an was taken before the Ramallah Court of Conciliation, which rendered a decision ruling for his release. However, the Preventive Security did not enforce the court decision. On 23 March 2016, Court made another decision to the same effect. Again, the agency did not implement the court decision. Kan'an continued to be detained until 1 May 2016.
- On 6 February 2016, the Preventive Security agency detained Islam Mujahed Mu'addi, a student at Birzeit University, in the Ramallah city. On 29 March 2016, Mu'addi was brought before the Ramallah Court of Conciliation, which decided to release him. Nevertheless, the Preventive Security did not implement the court decision. Finally, Mu'addi was released on 1 May 2016.
- On 9 March 2016, the Preventive Security agency detained Said Ali Is'ayyed in the Beituniya city. In early April 2016, Is'ayyed was taken before the Ramallah Court of Conciliation, which rendered a decision to release him on bail. Nevertheless, the Preventive Security continues to detain Is'ayyed until the time of reporting.
- On 17 April 2016, the ICHR received a complaint from Mahmoud Abdul Nasser al Hayek, a 33-year-old resident of Gaza city and Director of the Expenditures Department at the High Judicial Council (HJC). According to Al Hayek, the Gaza-based GPC has not implemented the High Court of Justice's decision of 12 October 2015 to oblige the GPC to retroactively place him in the position of

Director of the Expenditures and Financial Affairs Department. Until the time of reporting, the GPC has refused to implement the court decision.

- On 18 April 2016, the ICHR received a complaint from Jamil Ahmed Khalil, a 32-year-old resident of Gaza city and Director of the HJC Storehouses Department. According to Khalil, the GPC has not enforced the High Court of Justice's decision of 12 October 2015 to promote him retroactively to the position of Director of the Personnel Affairs Department. Until the time of reporting, the GPC has refused to implement the court decision.
- On 18 April 2016, the ICHR received a complaint from Na'im Kamel Abu Amshah, a 42-year-old resident of Gaza city and Director of the HJC Procurement Department. Abu Amshah reported that the Gaza-based GPC has refrained from enforcing the High Court of Justice's decision of 12 October 2015 to oblige the GPC to retroactively promote him to the position of Director of Trusts (Financial Affairs) Department. Until the time of reporting, the GPC has refused to implement the court decision.

**In addition, 15 court decisions rendered over the past years have not so far been enforced.**

## **IX. Regulations and public policies affecting human rights**

On 3 April 2016, a Presidential Decision was promulgated, providing for the formation of the first High Constitutional Court. On the same day it was issued, the ICHR and human rights organisations organised a meeting at the ICHR offices. On 12 April 2016, the ICHR-sponsored Civil Coalition for Control over Legislation held a press conference and sent a message to the President, advising that establishment of the Court be a subsequent step to the restitution of constitutional life in Palestine, namely general (presidential and legislative) elections and reunification of the Palestinian judicial apparatus. The Court should not be formed in line with political quotas.

### **A. The Council of Ministers**

The Council of Minister approved and submitted the Draft Law by Decree on the Palestinian National Institute for Public Health to the President for promulgation in due form. The Law by Decree provides recommendations to decision-makers and relevant institutions on the best means to enhance public health. In addition, the Council of Ministers referred the 2016 Law by Decree Amending the Law of Civil Status No. 2 of 1999 to ministers for consideration and comments.

The Council of Ministers also referred the Draft Regulation on E-learning, Draft Regulation on the Endowment of Higher Education, Draft Law by Decree on Higher Education, and Draft Regulation on Licensing Firearms and Ammunitions to ministers for consideration and comments. Relevant legal processes will be taken in an upcoming session.

## **B. Ministerial Decisions**

The Ministry of Labour requested that the Palestinian Monetary Authority to freeze accounts of several Palestinian labour unions. The decision was made to place pressure on unions in order to adjust their positions and hold elections.

## **C. Decisions of the Reform and Change Bloc in the Gaza-based PLC**

On 27 April 2016, the Gaza-based PLC (Reform and Change Bloc) convened a session to discuss the Legal Committee's report, which stated that the Presidential Decree on the Formation of the High Constitutional Court was of no legal effect.

**Ends**