



**Monthly Report on Violations of Human Rights and Public Freedoms in Palestine during
January 2016**

This report presents the main violations which the Independent Commission for Human Rights (ICHR) monitored in the Palestinian controlled territory during the month of January 2016:

Human rights violations in the Palestinian controlled territory				
Violation	December 2015	January 2016	WB	GS
Unnatural deaths	14	17	10	7
Complaints of torture and ill-treatment	59	16	9	7
Violations of the right to due process of law	76	67	24	43
Detention by order of governor	5	10	10	-
Prosecuting by military judiciary	1	Non	-	-
Assault on peaceful assemblies	7	2	-	-
Abstinance from executing courts' decisions	9	5	5	-
Violation of the right to movement and travel	4	non	-	-
Death sentences	3	3	-	3

- During January, 2016, ICHR monitored 17 unnatural deaths compared with 8 cases during the month prior. These cases were divided as 10 in the West Bank and 7 in the Gaza Strip. These deaths occurred under mysterious conditions, negligence of general safety precautions, family disputes or misuse of firearms.
- ICHR received 16 complaints of torture and ill-treatment compared with 33 complaints during the month prior. These complaints were divided as 9 in the West Bank and 7 in the Gaza Strip.
- ICHR received 67 complaints of the violation of the right to due process of law and fair trial proceedings, compared with 55 complaints of the month prior. They were divided as 24 complaints in the West Bank and 43 in the Gaza Strip.
- ICHR received 10 complaints of detention by order of governor compared with 5 complaints of the month prior.
- ICHR didn't receive during the period covered by this report any complaint of trying civilians before military courts while it documented one complaint during the month prior.
- ICHR documented 2 assaults on peaceful assemblies and 1 assault on the freedom of press and restriction of freedom of expression, compared with 7 complaints during the month prior.
- ICHR registered 5 complaints of non-execution of or delay in executing courts' decisions, compared with 9 complaints during the month prior.
- ICHR didn't document this month any violations of the right to movement and travel, compared with 4 during the month prior.
- ICHR documented three death sentences in Gaza Strip.

Violations in detail:

أُنشئت الهيئة المستقلة لحقوق الإنسان بموجب مرسوم رئاسي رقم (59) عام 1993، والمادة (31) من القانون الأساسي المعدل الفلسطيني لعام 2003

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I. Violation of the right to life and physical safety.

During January, ICHR monitored 17 unnatural deaths, including 10 cases in the West Bank and 7 in the Gaza Strip. As for the causes of these deaths, they were distributed as follows: 3 cases under mysterious conditions -2 in WB, 1 in GS; 2 cases in family disputes and onslaught – 1 in WB, 1 in GS; 10 cases because of negligence of general safety measures – 7 cases in WB, 3 in GS; and 2 cases occurred due to misuse of firearms – 1 in WB, 1 in GS.

Further details on the causes of death below:

1. Deaths under mysterious conditions.

- On January 10, 2016, **citizen (M.M), 15 years of age, from Nablus**, died of a bullet wound to head. According to the information provided to ICHR, he was injured by a bullet unintentionally discharged from a pistol belonging to a person present in the same apartment. The police arrived at the scene and opened investigation into the incident. A number of persons were arrested for investigation.
- On January 14, 2016, citizen (K.F), 46 years of age, from an-Nuserat in al-Wusta governorate, was found hanged. According to information provided to ICHR, he was suffering from mental disorder. He was found hanged by electric cable in his room. The police arrived at the scene and opened investigation into the incident.
- On January 31, 2016, a number of people found the body of (A.S), 25 years of age, thrown in water well in the town of Qabatia in Jenin governorate. According to information provided to ICHR, the police arrived at the scene alongside the Public Prosecution and transferred the body of the man was sent for post-mortem examination at the forensic medicine center. Investigation is still underway.

2. Deaths in family disputes and manslaughter:

- On January 6, 2016, citizen (M.H), 25 years of age, from Hebron, died of multiple bullet wounds. According to information provided to ICHR, he was injured in Hebron against the backdrop of old family dispute between al-Haimuni and al-Ja'bari families. The police arrived at the scene and opened investigation into the incident.
- On January 30, 2016, citizen (R.A), 36 years of age, from Abasan al-Jadeeda in Khan Younis governorate, was found dead with stab marks on his body. According to information provided to ICHR, he has disappeared since 28 months. The police arrived at the scene and opened investigation into the case. His wife was arrested for investigation as a suspect.

3. Deaths due to negligence of general safety precautions.

- On January 5, 2016, female citizen (H.SH), 24 years of age and her niece, 6 years of age, from Bethlehem died from CO2 inhalation. According to information provided to ICHR, their bodies were found in the house of their family. The police and the Public Prosecution arrived at the scene and opened investigation into the case. On January 11, PP announced that they died because of co2 inhalation emitting from a boiler installed near their bedroom.
- On January 6, 2016, child (Q.A), 16 month of age, from Jenin city, died after he swallowed a plastic piece in a nursery. According to information provided to ICHR, the child was rushed

to Jenin hospital where he was announced dead. The police arrived at the scene and opened investigation into the incident.

- On January 16, 2016, child (A.T), 4 years of age, from Okbat Taphuh village in Hebron governorate, died after he fell in water well next to his family's home. The police arrived at the scene and opened investigation into the incident.
- On January 18, 2016, child (M.G), 3 years of age, from Rafah city, died from drowning in agricultural pool. According to information provided to ICHR, the family and grandmother of the child found him sunk in the pool which wasn't safe since the wall surrounding it was not well-built. He was rushed to the European Hospital in Gaza where he was announced dead. The police arrived at the scene and opened investigation into the incident.
- On January 28, 2016, (M.SH), 18 years of age, from al-Mazrah al-Gharbiya in Ramallah and al-Bireh Governorate died from drowning. According to information provided to ICHR, he fell in water pit in the town of Ein Qeenia to the north of Ramallah. He was picked from the pit and rushed to Palestine Medical Complex. Police arrived at the scene and opened investigation into the incident. The body of the man was sent for postmortem examination at forensic medicine center.
- On January 29, 2016, citizen (G.A), 46 years of age, from Jabalia northern Gaza, died from suffocation. According to information provided to ICHR, he was suffocated by coal emissions in his bedroom. Police opened investigation into the incident.
- On January 29, 2016, citizen (A.A), 47 years of age and her child (S.A), 12 years of age, from Hebron died from suffocation after inhaling CO₂ emitting from the steam of scalding water used for bathing. Police arrived at the scene and opened investigation into the incident. The bodies of both of them were sent for postmortem examination and then handed back to their family for burial. No evidence of crime was found.
- On January 30, 2016, citizen (R.G), 35 years of age, from Khan Younis, died from serious wounds he sustained when a concrete bloc fell over his chest. According to information provided to ICHR, the man was injured while he was making repairs to his house. He was rushed to Nasir Hospital where he was announced dead. The police arrived at the scene and opened investigation into the incident.
- On January 30, 2016, citizen (S.M), 34 years of age, from Dura in Hebron governorate, died from suffocation caused by inhaling CO₂. According to information provided to ICHR, the man was found dead in a bakery he was working for. Police and Public Prosecution officers arrived at the scene and opened investigation into the incident. The body of the man was sent for postmortem examination which proved that he died from suffocation.

4. Deaths due to misuse of firearms

- On January 24, 2016, citizen (D.A), 19 years of age, from Gaza city, died of fire bullet wound to her chest. According to information provided to ICHR, she was wounded while tampering with a rifle belonging to her father. The police arrived at the scene and opened investigation into the incident.

- On January 30, 2016, citizen (A.SH), 18 years of age, died of two bullet wounds to his head. According to information provided to ICHR, he was wounded while tampering with a rifle together with his brother. The police arrived at the scene and opened investigation into the incident.

5. Death sentence

- On January 13, 2016, Gaza Permanent Military Court handed down death sentences to four citizens from Gaza:(A.G), 23 years of age, (H.G), 30, (M.G) 28, (K.S) 58. They were all convicted of collaborating with enemy state in contravention of the provisions of the Palestinian Revolutionary Penal Code of 1979. Three of the convicts were sentenced in absentia.
ICHR issued a statement condemning death penalty while not belittling the seriousness of the charges brought against the convicts. It called on the President not to endorse death sentences.

6. Torture during detention – cruel, inhuman or degrading treatment:

ICHR received during this month 16 complaints of torture and ill-treatment. These complaints were distributed against the following authorities in the West Bank as follows: **5** complaints against the Police Agency and **4** complaints against the Preventive Security Agency whereas in the Gaza Strip, **6** complaints against the Police Agency and **1** complaint against the RCCs. According to the complainants, these agencies used different patterns of torture, including tying in difficult position for a long time, punching, kicking, flogging, insulting, deprivation of sleep and stripping.

II. Violation of the right to due process of law including arbitrary detention, detention by order of the governor and prosecution by military courts.

Arbitrary and political detention: ICHR received during the reporting period 24 complaints in the West Bank and 43 complaints in the Gaza Strip. These complaints included allegations of inappropriate detention procedures, arbitrary and political detention.

ICHR documented 10 detention cases carried out by order of governor. Two cases were released while 8 cases are still in detention as shown in the table beneath:

No.	Name	Date of detention	Detention center	Detention authority	Notes
1.	(A.A)	5\11\2015	General Intelligence Agency	Tulkarem governorate	
2.	A.A	4\1\2016	General Intelligence Agency	Jenin governorate	Released
3.	M.N	5\11\2015	General Intelligence Agency	Tulkarem governorate	

4.	H.S	4\1\2016	Preventive Security Agency	Qalqilia governorate	
5.	A.T	6\1\2016	Preventive Security Agency	Qalqilia governorate	
6.	A.A	6\1\2016	Preventive Security Agency	Qalqilia governorate	
7.	A.H	17\11\2015	Preventive Security Agency	Qalqilia governorate	
8.	S.N	24\12\2015	Preventive Security Agency	Qalqilia governorate	
9.	A.Z	22\11\2015	Preventive Security Agency	Qalqilia governorate	
10.	M.S	6\1\2016	Preventive Security Agency	Jenin	Released

ICHR didn't document during this reporting period any case of detention by military judiciary.

III. Assault on public institutions, public and private property:

- On January 20, 2016, the police agency in Gaza asked the Administration of al-Quds Open University to allocate a room for it inside the campus. It also changed the locks of the rooms in some educational centers within the university, causing tension in these centers. The Administration of the University decided to suspend the educational process at the university in protest against such measures. ICHR issued, therefore, a statement emphasizing legal standards and norms of academic freedoms in accordance with the Palestinian Basic Law, relevant regional and international declarations. It considered the Police Agency decision as a violation of academic freedoms, and hence called for cancelling it to enable the university to resume the educational process.
- On January 23, unidentified persons attacked the car of MP Hatem Qfasha in Hebron after they infiltrated to his house in an attempt to set fire to his car. Part of the engine was burnt. Qfasha who is member of the Reform and Change Parliamentary Bloc filed a complaint with Police General Investigations Department. Investigation is underway.
- On January 30, 2016, unidentified persons attacked Yatta Health Clinic. They broke the window of the clinic and a computer set. Police arrived at the scene and opened investigation into the incident.

IV. Violation of freedom of expression, press and peaceful assembly.

- On January 14, 2016, the internal security in Khan Younis summoned (A.S), 58 years old, working for the Ministry of Interior. According to his statement to ICHR, he was questioned about his comments on Facebook and critique of the situation in the Gaza Strip. He was released on the same day. On 21st of the same month, he was summoned again and questioned about the same issue. Before leaving, he was given a notice to report again 3 days later. He was asked not to post any publications on his Facebook page.
- On January 22, 2016, The General Intelligence Agency in Hebron detained (M.A), 40 years old, from Dura against the backdrop of expressing his opinion in a mosque. He is

member to al-Tahrir Party and Instructor at the Faculty of Dentistry in al-Quds University. On January 23, 2016, he was taken to Jericho Detention Center. On January 24th, he appeared before Public Prosecution. He was released on the same day. He stated to ICHR that he was detained because he criticized Chief of General Intelligence, General Majed Faraj.

V. Violation of the right of access to official documents:

- Citizen (A.H), 21 years old, applied to the Ministry of Interior in Hebron for a certificate of good conduct for Visa to Turkey to continue his education. He was asked to see preventive security office. While the preventive security didn't object to giving him that certificate, the general intelligence objected. He said that depriving him of the right to travel would affect his academic life.

VI. Acquisition of citizens' documents without court's warrant:

- On September 18, 2015, the General Intelligence in Hebron seized the identity card of (G.), 46 years old. Though ICHR addressed the agency on 21\10\2015, they didn't return it to him. On 21\10\2015 the Preventive Security detained him. He was released on 27\12\2015. He was detained by the General Intelligence on the same day. On 30\12\2012, the Public Prosecution decided to release him but wasn't released until the following day. His identity card is still seized.

VII. Delay in executing courts' decisions:

During the reporting period, ICHR received 5 complaints of abstinence from executing courts' decisions. Three of them were solved while the rest are still pending:

- On January 8, 2016, the General Intelligence Agency detained (W.K), 25 years of age, from Hebron. On 11\1\2016, he appeared before Hebron Magistrate Court which decided to release him on personal bail of JD 1000. This decision was not honored and the Public Prosecution remanded him for additional 48 hours presenting him with new charges. On 13\1\2016, the court decided to release again but the General Intelligence objected to the decision. On 17\1\2016, he appeared before the Public Prosecution which decided to release him. Its decision was honored by the General Intelligence.
- On January 8, 2016, the General Intelligence detained (M.K), 21 years old, from Hebron. On 11\1\2016, he appeared before Hebron Magistrate Court which decided to release him on bail of JD 1000. Though he paid the bail, this decision was not honored and the Public Prosecution remanded him for additional 48 hours presenting him with new charges. On 13\1\2016, the court decided to release again but the General Intelligence objected to the decision. On 17\1\2016, he appeared before the Public Prosecution which decided to release him. Its decision was honored by the General Intelligence.

Two courts' previously issued decisions weren't executed yet:

- On 13\3\2013, the Supreme Court of Justice turned over a decision by lower court to separate (N.SH), 46 years old, from Hebron, from his work as Hebron's Educational

Directorate Manager. Though he submitted an official letter to the Minister of Education on 20\4\2014, reminding him of the court's decision, the Ministry didn't act accordingly. During November 2015, ICHR addressed the ministry to settle the case but to no avail.

- On October 21, 2015, Bethlehem First Instance Court decided to allow (A.G), 47 years old, to travel outside Palestine after she was prohibited from that by Attorney General's decision on 11\6\2013. This decision wasn't executed though the Attorney General was informed of that.

VIII. Acquisition of citizens' money and property without court's order:

On 22\12\2015, ICHR received complaint from (N.B), 36 years old, from Hebron city, claiming that on 14\12\2015, the Preventive Security Agency detained him against the backdrop of expressing his opinion on his Facebook page. They searched his house in Dura city after showing search warrant. They seized a computer set and PC. He was released but his belongings weren't returned.

IX. ICHR monitoring violations of human rights in the area of public policies and legislations.

Firstly: Policies and legislations related to economic, social and cultural rights

- 1. General Budget:** In its session held on 5\1\2016, the Council of Ministers approved of the general budget of fiscal year 2016 and referred it to the President of the State to be issued through Law by Decree thereof.
- 2. Right to Education:** the Council of Ministers approved of a proposal authorizing the government to deduct **one** ILS from utility bills for developing the educational system and allocate financial provisions for covering the ministry's development needs in light of the current financial crisis. This proposal applies to monthly bills of land and mobile phone lines as well as electricity and water bills.

ICHR monitored approval of Excellence and Achievement Draft Law by the Council of Ministers during its session held on 26\1\2016. It was submitted to the President of the State to be duly issued. It aims to achieve access to a more motivating and more appreciative of scientific and educational creativity educational system, adopt and publicize distinctive educational initiatives, promote creative participation, encourage creativity in the educational sector, explore and integrate innovative educational initiatives and models, transform initiatives and models to learning resources and a source for creativity and excellence on the national and international levels in a manner that would contribute to promoting the status of education professionals and improving their economic situation and letting them take pride in their work.

3. Decision of the Court of Cassation Pertaining to Economic Affairs.

On 16\11\2015, the Court of Cassation issued a decision, pertaining to case number (777\2014) filed against the Palestinian Telecommunications Company (PALTEL), dismissing any legal grounds for the monthly subscription fee which the company levies from its customers. ICHR prepared a position paper regarding the said decision and organized a workshop on 5\1\2016 to discuss its repercussions as to considering the monthly subscription fee for land line phone service illegal.

ICHR is aware that the only beneficiary of this decision is the applicant; nevertheless, it maintains that PALTEL should review its policy regarding this issue whereby all the Palestinian citizens can benefit from the said decision without distinction in accordance with the provisions of the Palestinian Basic Law, stipulating that all citizens are equal before the law and the judiciary without discrimination.

Secondly: Political and Civil Rights-Related Policies and Legislations

- 1. Draft Law on the Police:** On 5\1\2016, the Council of Ministers ratified the Draft Law on the Police.
- 2. Not Publishing Law by Decree on Higher Media Council: on 29\12\2015,** The President of the State of Palestine signed LAW by Decree relevant to the Higher Media Council to be published in the official gazette. On 18\1\2016, the President and the Prime Minister agreed to stop publishing it responding to the request of human rights organizations and media institutions as well as the Department of Information and Culture of the PLO.
ICHR sent its comments on the decision to the President, focusing on non-engagement of relevant media and community sectors in the process of preparing the law and the incompatibility of its provisions with constitutional and international standards governing the right to freedom of opinion and expression, especially after Palestine joined several international human right conventions, including International Covenant on Civil and Political Rights.
- 3. ICHR monitored Law by Decree No. "20" of the year 2015** pertaining to combating money laundering and terrorism financing; Presidential Decree N. (14)of the year 2015 pertaining to implementing UNSC's resolutions pertaining to terrorism.
These legislations were issued in the official gazette on December 30 2015.