



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

In March 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 March 2016, the ICHR concludes the following:

Domestic human rights violations

Violation	March 2016	February 2016	West Bank	Gaza Strip
Incidents of unnatural death	9	16	5	4
Complaints against torture and ill-treatment	44	36	11	33
Violation of the right to due process of law	88	88	29	59
Governor-ordered detentions	6	8	6	
Attacks on peaceful assemblies	5	5	5	—
Unenforced or delayed enforcement of court decisions	7	5	7	—
Violation of the right to movement and travel	3	—	—	3
Death sentences	—	1	—	1
Violation of the right of freedom of association	1	—	—	1

- Compared to **16** incidents reported in February 2016, ICHR monitored **nine** incidents of unnatural death during the month March 2016, including **five** in the West Bank and **four** in the Gaza Strip. These included deaths in mysterious circumstances, deaths resulting from failure to implement public safety measures, family feuds, abuse of arms, and deaths in tunnels on the Egyptian border in Gaza.
- In comparison to **36** in February 2016, ICHR received **44** complaints against torture and ill-treatment in March 2016. These included **11** complaints filed in the West Bank and **33** in the Gaza Strip.
- As in February 2016, the ICHR received **88** complaints (**29** in the West Bank and **59** in Gaza)

on violations of the right to due process of law and detention without fair trial.

- Compared to **eight** in February 2016, ICHR received **six** complaints against governor-ordered detentions in the West Bank.
- In the West Bank, ICHR documented **five** attacks on peaceful assemblies and **one** attack on the freedom of the press. By contrast, **five** attacks were reported in February 2016.
- Compared to **five** incidents in February 2016, ICHR received **seven** complaints against unenforced or delayed enforcement of court decisions in the West Bank.
- ICHR documented **10** incidents in which West Bank-based security forces seized properties and documents without a court decision.
- In the Gaza Strip, ICHR received **one** complaint against violation of the right of association.
- ICHR documented **one** attack on a public institution in the West Bank.
- ICHR received **three** complaints against the West Bank-based Ministry of Interior, which refused to issue passports to Gaza citizens upon recommendations from the General Intelligence agency.
- According to ICHR monitoring, a number of decisions and circulars were passed by the Council of Ministers. A law by decree was also promulgated and several others referred for further examination. A law was also approved by the Gaza-based Palestinian Legislative Council (PLC).

A detailed description of violations:

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

In the month of March 2016, ICHR documented **nine** death incidents, including **five** in the West Bank and **four** in Gaza. Of these, a citizen died in mysterious circumstances in the West Bank. Another died in a family feud and manslaughter in the Gaza Strip. Three citizens, including one in Gaza and two in the West Bank, died as a result of failure to implement public safety measures. While two citizens died as a result of abuse of arms, another two were reported to have been killed in events associated with tunnels along the Egyptian border in Gaza.

Further details on death incidents:

1. Deaths in mysterious circumstances

On 4 March 2016, **Abdul Karim Maher Hanani, 16 years old**, was found dead in his hometown of Beit Furik, Nablus governorate. According to information provided to ICHR, the boy's dead body was located in the town and transported for autopsy. It was found out that death was caused by blood clots in the brain and lung, congenital heart malformation, and a thick heart muscle. The autopsy showed that no criminality was suspected in the death. Hanani's family were not aware of their son's medical record. Not Even the boy himself did not know about his health condition.

2. Deaths in family feuds, disputes and manslaughter

On 1 March 2016, **11-year-old Nidhal Salem Isleih** from Khan Yunis died of a bullet wound sustained in the chest. According to information provided to ICHR, the boy sustained injuries during a family fight, in which firearms were used. He died after he had been transported to the Gaza European Hospital. The Police arrived at the scene, arrested a number of persons suspected of opening fire, and opened an investigation into the incident.

3. Deaths resulting from failure to implement public safety measures

- On 5 March 2016, **Mohammed Rateb Abdul Aziz Zein al-Din, a 25-year-old** resident of Majdal Bani Fadil town, Nablus governorate, died of serious injuries sustained after a concrete pump had rolled over while he was working on a building under construction in Al-Eizariya town east of Jerusalem city. According to information provided to the ICHR, the Police arrived at the scene and launched an investigation into the incident.
- On 19 March 2016, **Mahmoud Abdul Rahman Mohammed Abu Atwan, a 56-year-old** resident of Al-Tabaqa village near to Dura town, Hebron governorate, fell and drowned in a well in close proximity to his house. According to information provided to ICHR, the Police arrived at the scene and opened an investigation into the incident. The Public Prosecution also launched its own investigation. It was reported to ICHR that Abu Atwan suffered from a mental illness. Having undergone an autopsy, the dead body was handed over to be buried by his family. The investigation showed that no criminality was suspected in the death.
- On 26 March 2016, **3-year-old Jihad Saleem Barbakh** died of serious injuries sustained after he had fallen off a height in Khan Yunis city. According to information provided to ICHR, the boy fell from top of a staircase on the fifth floor of his family's building in the centre of Khan Yunis city. He was transported to the

Nasser Hospital in the city, where he died. The Police arrived at the scene and opened an investigation into the incident.

4. Deaths resulting from abuse of arms

- On 8 March 2016, **Yihya Zakariya al-Salman**, a **45-year-old** resident of Askar refugee camp in Nablus governorate, died of bullet wounds in the legs. According to information provided to ICHR, the Police arrived at the scene and launched an investigation into the incident. Al-Salman was transported to the Rafidia Hospital in Nablus city, where he was announced dead. Investigation is still going on to identify motives of the murder.
- On 19 March 2016, **Nida' Tayseer Mustafa Abu Ubeid**, a **30-year-old** female resident of Al Yamun town, Jenin governorate, died of a bullet wound in the head. According to information provided to ICHR, unidentified armed individuals opened fire on a house belonging to Saed Abu Ubeid, Nida's husband, injuring her in the head. Nida' died on her way to the Jenin Public Hospital. The Police arrived at the scene, launched an investigation into the incident, and transported the dead body for autopsy to identify causes of death. Investigation is underway to identify culprits.

5. Deaths in tunnels

On 12 March 2016, **Fadi Tayseer Abu Dan**, a **30-year-old** resident of Khan Yunis city, and **Mohammed Khadher Abbas**, a **26-year-old** resident of Rafah city, drowned in a tunnel on the Egyptian border in Gaza. According to information given to ICHR, contact with both citizens was lost on 10 March 2016. Having been located by rescue team, it appeared that they drowned in water pumped inside the tunnel. The Police arrived at the scene and opened an investigation into the incident.

6. Injuries resulting from abuse of arms or domestic explosions

On 27 March 2016, Ayman Mohammed Ghawadrah, an 18-year-old resident of Bir al-Basha village in Jenin governorate, sustained a serious bullet wound in the stomach during a family fight. Ghawadrah was transported to hospital, where he continues to receive medical attention. The Police arrived at the scene and opened an investigation into the incident.

7. Torture in detention – Cruel and degrading treatment

During the reporting period, ICHR received **44** complaints against torture and ill-treatment, including **11** in the West Bank and **33** in the Gaza Strip. Of these, **six** complaints were filed against the Police, **three** against the Preventive Security, and **two** against the General Intelligence. While **one** complaint lodged against Internal Security forces, **32** complaints were filed against the Police in the Gaza Strip. According to these complaints, *Shabeh*, beating with hands, feet and batons were used. Detained persons were also verbally abused and stripped of their clothes.

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

Arbitrary and political detention: In the West Bank, ICHR received **29** complaints during the reporting period against invalid detention procedures and arbitrary or political detention. In Gaza, **59** complaints against similar violations were filed to the ICHR.

In March 2016, **six** citizens were detained by orders from governors. While **five** were released, **one** citizen continues to be detained until the time of writing.

III. Attacks on public institutions, public and private properties

On 24 March 2016, unidentified individuals opened fire on the Al Awdah Kindergarten bus and a building housing the Popular Committee in Jenin refugee camp. Chairman of the Popular Committee reported to the ICHR that similar attacks had been committed earlier, but this one was carried out by unidentified individuals. According to information provided to ICHR, the Police arrived at the scene and opened an investigation into the incident.

IV. Encroachments on public and personal freedoms

A group of teachers filed complaints to ICHR on arbitrary measures taken against them on 7 March 2016. Police officers positioned on the junction to Al-Ubeidiya town in Bethlehem governorate seized the teachers' personal ID cards while they were travelling to Ramallah city to take part in a major sit-in protest. A number of teachers had their ID cards back overnight and others the next morning.

V. Infringements on the freedoms of opinion and expression, the press, and peaceful assembly

- On 2 March 2016, the Preventive Security agency in Hebron detained S. S., a 32-year-old resident of Sa'ir city in Hebron governorate. According to the complaint he filed to ICHR, S. S. stated that he had been detained on grounds of the teachers' strike. On 6 March 2016, S. S. was brought before the Halhul Court of Conciliation, which extended his detention for seven days. S. S. was released later on 13 March 2016.
- On 17 March 2016, the General Intelligence agency in Hebron detained M. A., a 32-year-old resident of Dura city in Hebron governorate. M. A. was detained until Saturday evening, 19 March 2016, but was never taken before the Public Prosecution or court. M. A. stated that he was detained on grounds of the teachers' strike and that he was held in a solitary confinement cell for three days.
- On 18 February 2016, the Preventive Security agency in Hebron detained M. A., an 18-year-old resident of Al-Fawwar refugee camp in Hebron governorate. On 9 March 2016, M. A. was taken before the Yatta Court of Conciliation, which decided to either sentence him to prison or pay a fine of JD 500. M. A. reported that he was detained and prosecuted because of posts he had published on Facebook, attacking the President, and expressing his opinion. After he paid the bail, M. A. was released on 14 March 2016.
- On 23 February 2016, the General Intelligence agency in Hebron detained R. B., a 28-year-old resident of Beit Ummar city in Hebron governorate, on grounds of the teachers' strike. Although he was not brought before a court, R. B. was released on 27 March 2016. To force him to report to the General Intelligence offices, R. B. did not have his personal ID card back.
- On 29 March 2016, the Preventive Security agency in Hebron detained A. A., a 37-year-old resident of Dura city in Hebron governorate. A. A. stated that he was detained on grounds of affiliation with *Hizb al-Tahrir* (Liberation Party) and expression of his opinion on Facebook. A. A. was not released until the end of March 2016.

VI. Violation of the right to freedom of association

On 9 March 2016, Ahmed Abu Hajjaj, Deputy Chairman of the *Al-Baqiyat al-Salihat* Association, received a decision on resolution of the Association from the Gaza-based Ministry of Interior, claiming that members' activity intervened in politics. According to Abu Hajjaj's statement, the Association is a relief organisation. Based in Beit Lahiya town in the Northern Gaza governorate, the Association delivers services to hundreds of

families of martyrs, wounded citizens, orphans, poor households, and citizens whose homes were destroyed. In 2012, the Association's main office was closed and its contents seized by Internal Security officers. However, the Association continued to operate from branch office. When he received it, Abu Hajjaj found out that the decision was dated 6 December 2015.

VII. Unwarranted confiscation of private properties

- Late at night over 6-9 March 2016, General Intelligence officers searches houses belonging to female students at the Hebron University and seized personal computers, papers, scarves, caps, a camera, etc. In the complaints they filed to ICHR, students stated that their houses were searched for political reasons and on grounds of their activity with the Islamic Bloc at the Hebron University. On 13 March 2016, a group of female students organised a sit-in protest outside the Sharia College on the University campus. Students urged the University administration to intervene with the General Intelligence agency and restore confiscated items. General Intelligence officers produced papers, which they said were search warrants issued by the Public Prosecution. However, affected female students stated they could not confirm whether the papers were as such. Later, the General Intelligence agency returned some seized objects.
- On 15 March 2016, the Preventive Security agency detained A. A., a 22-year-old resident of Tawas village near to the Dura town, without an arrest warrant. Without producing a report on seized property, Preventive Security officers also seized a personal computer belonging to A. A.
- According to a complaint ICHR received from M. H., a 57-year-old resident of Yatta city in Hebron governorate: "In February 2015, General Intelligence officers raided and searched my home, confiscated a Dell laptop, a Galaxy cellular telephone, and a Nokia X2 device. Though confiscated more than a year ago, these items have not so far been restored."
- On 20 March 2016, Preventive Security officers searched a house belonging to M. H., a 53-year-old resident of Surif city in Hebron governorate, with the intention of detaining his son Mahmoud, a student at the Palestine Polytechnic University, on political grounds. Preventive Security officers broke the house door with a sledgehammer, confiscated a computer case, and a laptop. Officers, however, did not write down an official record of seized objects. They also confiscated two personal cards belonging to M. H.'s sons as well as their vehicle keys.

VIII. Violation of the right to travel

- ICHR received a complaint from K. M., a 52-year-old, disabled resident of Al Amal neighbourhood in Khan Yunis city. On 7 September 2014, K. M. applied for a passport (a replacement) through the Ala' Barbakh General Services Office in Khan Yunis. A month later, he was informed that his application had been rejected for security reasons by the General Intelligence agency in Ramallah. K. M. was in dire need for a passport for medical treatment abroad. His son Hamzah was supposed to accompany him.
- ICHR received a complaint from H. M., a 26-year-old resident of Al Amal neighbourhood in Khan Yunis city. On 7 September 2014, H. M. applied for a passport (a replacement) through the Ala' Barbakh General Services Office in Khan Yunis. A month later, he was told that his application had been rejected for security reasons by the General Intelligence agency in Ramallah. H. M. was in dire need for a passport to accompany his disabled father who needs medical treatment abroad.
- ICHR received a complaint from M. A., a 27-year-old resident of Gaza city. On 1 August 2015, M. A. applied for a passport (a replacement) through the Abu al-Kheir Tourism and Travel Office. In September 2015, he was informed that his application had been rejected for security reasons by the General Intelligence agency in Ramallah.

Unwarranted seizure of personal ID cards

- On 20 March 2016, the Preventive Security agency in Hebron released Y. R., a resident of Al-Dhahiriya town in Hebron governorate, but continued to seize his personal ID card. After the ICHR intervened, Y. R. had his ID card back on 23 March 2016.
- On 27 March 2016, the General Intelligence agency released R. B., a resident of Beit Ummar city in Hebron governorate. However, the agency has continued to seize R. B.'s personal ID card until the time of writing.

IX. Delayed and stalled enforcement of court decisions

ICHR received **seven** complaints against unenforced court decisions. Of these, **five** were enforced, but the other two are still not. Complaints were as follows:

- On 24 February 2016, the General Intelligence agency detained B. Sh. at the General Intelligence detention centre in Ramallah city on grounds of his political affiliation. On 24 March 2016, Sh. was taken before the Ramallah Court of

- Conciliation, which rendered a decision ruling for his release. Nevertheless, the General Intelligence agency has continued to detain Sh. until the time of writing.
- On 24 February 2016, the General Intelligence agency detained S. H. at the General Intelligence detention centre in Ramallah city on grounds of his political affiliation. On 24 March 2016, S. H. was brought before the Ramallah Court of Conciliation, which entered a decision ruling for his release. Nevertheless, the General Intelligence has continued to detain S. H. until the time of writing.
 - On 25 February 2016, the Preventive Security agency in Hebron detained A. S., a 22-year-old resident of Bethlehem city on political grounds. On 3 March 2016, A. S. was brought before the Hebron Court of Conciliation, which decided to release him on a personal bail of JD 1,000. Although the bail was timely paid to the Court, the Preventive Security agency enforced the court decision on 9 March 2016.
 - On 29 February 2016, the General Intelligence agency in Hebron detained M. S., a 19-year-old resident of Hebron city, on political grounds. On 3 March 2016, M. S. was taken before the Hebron Court of Conciliation, which decided to release him on a personal bail of JD 1,000. Although the bail was timely paid to the Court, the General Security agency enforced the court decision on 9 March 2016.
 - On 1 March 2016, the Preventive agency in Hebron detained S. J., a 22-year-old resident of Hebron city. On 3 March 2016, S. J. the Court of Conciliation decided to release him on bail of JD 1,000. Although the bail was timely paid to the Court, the Preventive Security agency did not enforce the court decision and continued to keep S. J. in custody. On 6 March 2016, S. J. was taken before the court under a new charge. The court rendered a decision, extending S. J.'s decision for three days. Once again, on 9 March 2016, the Court decided to release S. J. The court decision was enforced.
 - On 9 March 2016, the Preventive Intelligence agency in Hebron detained M. H., a 33-year-old resident of Hebron city. On 14 March 2016, the Hebron Court of Conciliation decided to release M. H. on bail of JD 100. Although the bail was timely paid to the Court, the Preventive Security agency executed the court decision on 17 March 2016.
 - On 19 March 2016, the Preventive Intelligence agency in Bethlehem detained M. N., a 19-year-old resident of Nahhalin town in Bethlehem governorate. On 21 March 2016, the Bethlehem Court of Conciliation decided to release M. N. In spite of the Bethlehem Public Prosecution office's appeal, the Court maintained its decision, ruling for the release of M. N. Still, the Preventive Security agency in Bethlehem did not implement the court decision and relocated M. N. to Hebron. On 29 March 2016, the Preventive Security took M. N. before the

Halhul Court of Conciliation, which decided to release him and enforce the court decision after 5:00 pm on the same day.

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

X. Regulations and policies affecting human rights

A. The Council of Ministers

During the reporting period, the Council of Ministers made several decisions, including:

1. In its session of 1 March 2016, the Council of Minister issued forth a decision and a circular to government bodies, providing that receipt of complaints would be assigned to official authorities. These agencies would handle and devise practical solutions for complaints in a timely manner. The decision is tailored to ensure that complaints are not used by certain organisations to jeopardise authority of the state or achieve personal gains. In this context, ICHR contacted the Council of Ministers and made clear the consequences and risks posed by the said decision. It would undermine civil society organisations' functions, oversight role over government bodies, and building of a free Palestinian society that is grounded in partnership and respect for public rights and freedoms. The Prime Minister confirmed that the decision on complaints would be made clear in a subsequent decision to be issued by the Council of Ministers soon.
2. The Council of Ministers issued forth a circular to government bodies, providing that the International Women's Day would be a working day, on which female civil servants would work until 12:00 pm. Having aroused indignation among women's associations and human rights organisations, the decision revoked the holiday granted to female civil servants on the occasion of the International Women's Day.
3. The Council of Ministers decided to refer the Draft Law by Decree on Cybercrime to ministers for examination and comments so that a proper legal action could be devised in a subsequent session. The Draft Law by Decree identifies cybercrimes and penalties imposed on offenders. Prescribing aggravated penalties, however, the Draft Law by Decree seems as if it provides a financial resource for the State Treasury, generating fines imposed on various cybercrimes. Furthermore, Article 33 of the Draft Law by Decree involves a constitutional violation, permitting the court to rule for denial of residence or deprivation of a right enshrined in other regulations in the event a person commits any of the offences provided for by the said Law by Decree.

4. The Council of Ministers decided to refer the Draft Law by Decree on Civil Service, Draft Financial and Administrative Regulation of the Palestinian Institution for Agricultural Lending, and Draft Regulation of Honoraria and Financial Entitlements of Members on Boards of Directors, in which the Government Contributes or Contributes to their Management to members of the Council of Ministers for examination and comments so that a proper legal action could be devised in a subsequent session.

B. Laws by Decrees

On 2 March 2016, the President of the State of Palestine approved the Law by Decree on Social Security, which was published on 20 March 2016 in Special Issue No. 11 of the Palestinian Official Gazette. The Law by Decree has fomented resentment of many civil society organisations because adequate public consultations were not in place. Not to mention a plethora of shortfalls, the Law by Decree does not safeguard citizens' financial rights.

On 14 March 2016, ICHR organised a seminar to discuss the Law by Decree of Social Security, bringing together the Law by Decree makers and human rights actors. ICHR also sent a letter to the President, demanding that enforcement of the Law by Decree be suspended for a period of not more than a year, during which a representative committee will be established, including affected parties, to discuss and introduce necessary amendments to the Law by Decree. Bylaws needed to implement provisions of the Law by Decree will also be compiled. In addition to building trust and confidence, the public opinion and relevant institutions will meantime be prepared to embrace the Law by Decree.

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

On 2 March 2016, the Gaza-based PLC approved in a second reading the Draft Law on the Disposition of Administrative Disputes. In the PLC session convened in Gaza city, Mohammed Faraj al Ghoul, Head of PLC Legal Committee, stated that the Law adopts a two-tier system (Administrative Court and High Court of Justice) to consider administrative disputes. These used to be examined in a one-tier system of the administrative judicial branch.

The Law on the Disposition of Administrative Disputes also provides for formation of a new administrative court, including a panel of judges delegated from the Courts of Appeals. Decisions of the Administrative Court will be appealed before the High Court of

Justice, whose rulings are final. Administrative contract disputes and applications for indemnity for malicious administrative decisions will fall within jurisdiction of the Administrative Court. The Law also allows challenge through extraordinary forms of review, including objection of a third party and retrial of cases of administrative disputes. The Law allows more room for justice by avoiding any impediments or problems.

Ends