



**Monthly Report on
Violations of Human Rights and Public Freedoms
In the Palestinian-controlled Territory
January, 2013**

This monthly report provides comprehensive overview of the major human rights violations monitored and documented by the Independent Commission for Human Rights (Ombudsman) throughout the Palestinian-Controlled Territory during the month of January, 2013. Based on ongoing monitoring and documentation of violations of human rights and public freedoms during the month of January, 2013, **ICHR** concluded the following:

Twenty two (22) death cases were monitored in the West Bank and Gaza Strip throughout the period covered by this report of which six (6) cases occurred due to a house fire in the Gaza Strip. The citizens who can't afford to pay the bills of electricity resort to alternative sources of lightning such as candles that caused a fire in a house East of Gaza City where six family members died. The fire was caused by a candle that the family had lit because their home had been cut off from electricity after the family couldn't afford to pay the bill. Two other deaths occurred due to electrical shocks resulted from uncovered wires.

- Implementation of courts' decisions was postponed by the Preventive Security Agency in the West Bank. **ICHR** received during January 2013 (11) complaints against the Preventive Security in which the complainants claim that they were not released for days even after receiving courts ruling of release and payment of imposed financial bails.
- Violations of journalists rights; especially in the Gaza Strip were monitored during the period covered by this report.
- **ICHR** also received complaints on torture in the West Bank and Gaza.

Below is a detailed description of the aforementioned violations:

I. Violation of the Right to Life and Security of Person

ICHR monitored during January, 2013 (22) death cases of which (12) cases in the Gaza Strip and (10) cases in the West Bank. As for the cause of death, they were distributed as follows: one (1) case occurred due to a clan dispute in the West Bank, four (4) cases occurred under mysterious conditions of which three (3) in the West Bank and one (1) in the Gaza Strip, ten (10) cases occurred due to negligence of public safety measures of which three (3) occurred in the West Bank and seven (7) in the Gaza Strip. Four (4) deaths occurred due to tunnel incidents and three (3) others due to electrocution.

ICHR notices that the death rate increased this month compared with that of the past month due to negligence of public safety measures, tunnel incidents, electricity shocks or use of less safe alternative sources of lightning and heating.

The following provides more details on the death toll during the month of January, 2013.

1. Deaths under Mysterious Conditions:

- On January 9, 2013, **Ahmad Muhammad Shaheen, 27 years old**, from Gaza city was found dead in a camp owned by his family on the beach of Bet-Lahya. ICHR learnt that the deceased was missed (12) hours before his corpse was found. It also learnt that the police arrived at the scene and opened investigation into the incident.
- On January 10, 2013, **Shakir Ahmad Abu Kdama, 19 years old**, from Askar Refugee Camp near Nablus was found hung and hanged in the second floor of his family's home. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.
- On January 29, 2013, **Siham Abdul-Majeed Saleh, 27 years old**, from the town of Bir Zeit near Ramallah, died of falling off a five-story apartment next to her home. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The corpse of the deceased was taken to the forensic doctor to reveal whether the cause of death is criminal or not.
- On January 29, 2013, **Emad Aal-Aalam, 25 years old**, from Akbat Jabir refugee camp near Jericho died of fire burns while he was on the beach of the Dead Sea. According to the information of ICHR, the Israeli police opened investigation into the incident and handed over his body to his family through the Liaison Civil Office on January 30. He was laid to rest on the same day and the Palestinian police started investigation into the incident. ICHR stresses that the competent authorities, namely the Public Prosecution should investigate deaths that occur under mysterious conditions; especially those of women.

2. Deaths due to Clan Disputes, Intentional Killing and Revenge:

- On January 9, 2013, **Abdul-Kareem Tawfeeq Issa, 36 years**, from the town of Salem near Nablus died of multiple bullet wounds fired at him by unknown persons. The police arrived at the scene and opened investigation into the incident. A number of suspects were seized for interrogation.

3. Deaths due to Negligence of Public Safety Measures :

- On January 31, 2013, Six family members, including four children, died in a house fire east of Gaza City (Hazem Mahmud Dahier, 32, his wife Samar, 30, and their children, 4-month-old Qamar, Farah, 3 years, Nabil, 5 and Mahmud, 6). According to the information of ICHR, the fire was caused by a candle that the family had lit because their home had been cut off from electricity after the family couldn't afford to pay the bill. The Civil Defense Brigade extinguished the fire and picked the bodies of the dead in thirty minutes. The Public Prosecution ordered investigation into the incident.

- On January 5, 2013, **Mousa Mushir Kaware', 6 years old**, from Khan Younis in Gaza died of shrapnel wounds. According to the information of ICHR, the child was tampering with a suspect object near his house. The police arrived at the scene and opened investigation into the incident.

- On January 22, 2013, **Arafat Abdullah Sidir, 22 years old**, from Hebron, died of critical injuries and fractures he sustained while working in stones' factory. The police arrived at the scene and opened investigation into the incident.

- On January 26, 2013, **Wagdi Darar al-Araj, 17 years old**, from Bet Fajar near Bethlehem, died of a wound he sustained due to falling off his family's home. The police arrived at the scene and opened investigation into the incident.

- On January 29, 2013, **Ibraheem Muhammad Suman, 52 years old**, from Bethlehem died of falling off a construction workshop. He was rushed to al-Ahli Hospital in the city of Hebron where he succumbed to his wound. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. ICHR stresses that the competent authorities should impose public safety measures; especially in construction workshops.

4. Death due to Electric Shocks :

- On January 9, 2013, **Badri Saleh Abu Isnineh, 17 years old**, from Rafah, died of electrical shock. According to the information of ICHR, he was electrocuted while maintaining the electrical network of his family's home. The police arrived at the scene and opened investigation into the incident.

- On January 17, 2013, **Ala' Muhanad Barbakh, one year old**, from Khan Younis died of an electric shock. According to the information of ICHR, the child was electrocuted when he touched the uncovered electric wires of his family's home. The police arrived at the scene and opened investigation into the incident.

- On January 26, 2013, **Hamza Sameer Rashwan, 20 years old**, from Gaza city died of electric shock. According to the information of ICHR, the deceased was electrocuted when he touched uncovered electric wires in a cars washing station. The police arrived at the scene and opened investigation into the incident. ICHR stresses that the competent authorities and electricity companies should undertake strict monitoring procedures over electric networks and raise public awareness about dangers stemming from electricity networks.

4. Deaths in Tunnels on Gaza Egypt's Borders :

ICHR documented during the period covered by this report four (4) death cases that occurred in tunnels incidents :

- On January 14, 2013, **Ali Shawqi Ghaben, 20 years old**, from Rafah, died of tunnel collapse on the Palestinian Egyptian border. He died when the tunnel he was working in collapsed . The deceased was missed a week before his body was found.
- On January 16, 2013, **Basim Shaheen Khadir, 41 years old**, died of tunnel collapse on the Palestinian Egyptian border. He died when the tunnel he was working in collapsed. He was missed a week before his body was found.
- On January 27, 2013, **Riyadh Ahmad Abu Ma'mmar, 33 years old**, from Rafah died of tunnel collapse on the Palestinian Egyptian border. He died when the tunnel he was working in collapsed.
- On January 19, 2013, **Ibraheem Ewis Abu Mour, 19 years old**, from Rafah died of tunnel collapse on the Palestinian Egyptian border. He died when the tunnel he was working in collapsed.

ICHR issued a detailed report (Deaths in Tunnels, Rights Lost) about the deaths that occurred in tunnel related incidents during 2012. It included a number of recommendations to the competent authorities in the Gaza Strip.

5. Death Penalty : On January 13, 2013, the permanent military court of Gaza sentenced (a.kh), 49, from Gaza City to death, after convicting him of collaborating with enemy state and aiding in murder crimes, according to the Palestinian revolutionary penal code of 1979. It is worth mentioning that this sentence is appealable. **ICHR** stresses its objection to death penalty and the necessity of bringing civilians before civil courts in the Gaza Strip.

6. Injury due to Misuse of Arms –Internal Explosions :

- On January 5, 2013, Muhammad Omar Kaware', 9, Marah Emad Kware',13, Ibraeem Hassan Kaware' 23), from Khan younis were injured when a suspect object went off near their homes. According to the information of ICHR, a child was tampering with that object when it went off. They were admitted to Nasir Hospital for treatment. The police arrived at the scene and opened investigation into the incident.

- On January 17, 2013, Ismael al-Hamran, 21 years old from Rafah was injured by a shrapnel of a fire bullet. According to the information of ICHR, he was injured when a police patrol was chasing persons driving a motorcycle next to his shop. When the police captured the persons wanted, they asked al-Harman to keep the motorcycle in his shop. When he refused that, a policeman hit him with the butt of the pistol on his head and shot one fire bullet down his feet. According to the police statement, he tried to attack the policeman and pick his gun. Investigation into the incident is still underway.

- On January 23, 2013, Waleed Anwar Abu al-Enin, 20, Jihad Abdullah Abu Zabeid, 42, were injured when a policeman shot a fire bullet in Rafah. According to the information of ICHR, they were injured in their store in the neighborhood of Tal al-Sultan western Rafah when the police fired warning shots chasing a suspect vehicle. They were injured in the abdomen and left arm respectively. They were admitted to Abu Yousif an-Najar Hospital for treatment. The police opened investigation into the incident.

7. Torture during Detention – Cruel and Degrading Treatment :

ICHR received during the period covered by this report (31) complaints on torture and ill-treatment of which (10) complaints were against Police General Investigation Unit, (3) complaints against the Preventive Security Agency and (6) complaints against the General Intelligence Agency in the West Bank. It also received (10) complaints against the Police Agency and (2) complaints against Internal Security in the Gaza Strip.

Torture allegations were concentrated on beating, punching, ill-treatment and standing in a hard position for a long time. **ICHR** notices that complaints on torture and ill-treatment from citizens of the West Bank increased compared with those of the past month while slightly decreased in the Gaza Strip. Most of these complaints were against the Police Agency in the West Bank and Gaza.

II. Violation of the Right to Due Process - Ongoing Arbitrary and Political Detention:

ICHR received during January, 2013, (24) complaints, in the West Bank, on inappropriate detention legal procedures whereby complainants are detained either arbitrarily or for political reasons. It also received similar (63) complaints in the Gaza Strip. Detention operations continued this month with slight increase in Gaza compared with that of the past month. ICHR stresses that the official authorities should follow appropriate detention legal procedures and abide by law.

III. Assault on Public Freedoms, Press Freedom, Peaceful and General Assemblies:

On January 22, 2013, The Internal Security Agency in Rafah summoned (Muhammad Abu Ermaneh, Kifah al-Akhras, Ashraf Abu Amreh, Muhammad Kishteh, Hani Abu Taha, Ahmad Abu Khiltah, Mihsin Fujju, Rami Abu Rus and Rafat Barbakh. According to the information of ICHR, they were interrogated about their activities as members of Fatah Movement. They were held for five hours and requested to report to the internal security offices again.

- On January 20, 2013, a number of citizens from al-Ama'ri refugee camp near Ramallah gathered to express solidarity with hunger striking prisoners who are held in Israeli jails. The participants blocked off Ramallah Jerusalem road and burnt tires, and so a police force arrived at the scene to facilitate traffic movement. Some of the participants began to throw stones at the policemen injuring eight of them. A force of the National Security was called in to foil the stand off. Three citizens from the camp and thirteen (13) security personnel were injured in the clash. Twenty five (25) citizens were also arrested by the military intelligence in Ramallah, as a result. **ICHR** held a meeting with the competent authorities and requested an official meeting with the detainees, but they were all released before it gets permission to do that.
- On January 21, the Internal Security Agency arrested a number of journalists (Ashraf Jamal Abu Khsewan, 32, from Dir al-Balah Camp working for al-Kitab Satellite Channel, Munir Jumah al-Minrawi, 38, from Dir al-Balah Camp, Secretary of Journalist Syndicate working for Aswar Press Agency, Jumah Adnan Abu Shomer, 29, from Dir al-Balah town working for al-Hurya Radio and Aswar Press Agency, Mustafa Muhammad Miqd, 34, from Gaza City working for Aswar Press Agency.
- On January 23, 2013, the Internal Security Agency arrested a number of journalists (Magdi Abdulazeez Isleem, from Gaza, working for al-Karamah Website, Omar Muhammad al-Dwaheedi, 23, from Gaza working for Aswar Press Agency.

According to the information of ICHR, these journalists were arrested from their homes and interrogated about their work and relationship with Fatah Movement. Their homes were searched, computers and mobile phones were also confiscated before being released on January 28, 2013.

- On January 21, 2013, the Internal Security Agency summoned Hassan Abduljawad Karsou', 38, from Gaza, journalist working for Aswar Press Agency. They confiscated his computer and interrogated him about his work before being released. They also summoned him again on January 30 and interrogated him about his link with Fatah Movement and asked him to report to the internal security office once again on February 3, 2013.
- On January 21, 2013, the Internal Security Agency summoned Abdulkareem Fathi Hiji, 22, from Gaza, journalist working for Aswar Press Agency and interrogated him about his

work and link with Fatah Movement. They confiscated his (Laptop) before being released. He was summoned once again on January 31, 2013, interrogated about the same issue and released on the same day.

- On January 21, 2013, the Internal Security Agency summoned Yousif Muhammad Hamad, from Jabalia, freelancer journalist. He was interrogated about his relationship with foreign authorities and released after three hours of detention. He was forced to sign a paper whereby he pledges not to take part in foreign conferences or communicate with their organizers. It was noticed that assault on journalists in Gaza increased in term of detention and summoning. **ICHR** stresses that such measures constitute a flagrant violation of public freedoms and freedom of expression, and so it is necessary to stop them.

IV. Assault on Persons, Public and Private Property :

- On January 14, 2013, Dr. Ali Salah, al-Quds Open University Director, Yattah Branch, was attacked by unknown persons. He was injured and his car was damaged in that attack. The police arrived at the scene and opened investigation into the incident.
- On January 16, 2013, Aysheh Organization for Women and Child Protection was attacked and stolen in Gaza. According to the organization's executive, she received a phone call after mid night from the guard of the organization telling her that unknown persons attacked and anaesthetized him. After that, they stormed into the offices of the organization, tampered with its papers, stole video camera, photo camera, laptop and other equipment. The police arrived at the scene and opened investigation into the incident.
- On January 29, 2013, al-Mezan Center for Human Rights which is situated in Jabalia Refugee Camp was stolen. According to the statement of the Executive of the Center, two computers and a printer were stolen. The police arrived at the scene and opened investigation into the incident.
- On January 27, 2013, a group of armed masked persons attacked UNIPAL Company's vehicle in Hebron and robbed (NIS 1000,000). According to the information of ICHR, while the driver of the company's car was on his way to the bank to deposit the money, four armed masked persons chased him and fired at the wheels of the car and broke its windows forcing its driver under arms threat to hand over the bag to them. They took the bag of the money and escaped. The police arrived at the scene and opened investigation into the incident.

V. Violation of the Rights of the Persons with Disability (PWD) :

ICHR received during the period covered by this report (8) complaints on violation of the right of (PWD) to have access to public job and public places in addition to other health and social services and the rights stated under the law of the disabled and the Palestinian basic law. **ICHR** stresses that the official authorities should abide by the law articles

which state that 5% of public jobs should be allocated for (PWD) and make public places accessible to them.

VI. Dismissal from Public Office (Arbitrary Dismissal) and Security Clearance Condition :

ICHR received during the period covered by this report (**5**) complaints on arbitrary dismissal from public office or deprivation of appointment at public office. Three of these complaints were on unjustifiable exclusion of appointment and two on arbitrary dismissal. **ICHR** stresses that the government's decision of cancelling security clearance condition should be implemented and all the employees who were fired arbitrarily from their job should be reinstated in accordance with the High Court's ruling and provisions of the law.

VII. Violation of the Right to Movement and Travel :

The Preventive Security Agency in Hebron still holds the identity card of (Raed Hmedan Mahmoud Sharabati), 41 years old, from Hebron City. It seized his identity card after summoning and releasing him on December 18, 2012 for political reasons.

VII. Delay in Implementing Palestinian Courts' Decisions :

ICHR documented during the period covered by this report (**11**) complaints on delaying implementation of courts' decisions; especially in the Governorate of Hebron. After **ICHR** addressed the competent authorities, ten (10) of these decisions were implemented as follows:

- On January 27, 2013, **ICHR** received a complaint from Mahmoud Awni Taweel from Hebron. He claimed that he has been detained by the Preventive Security Agency in Hebron since January 10, 2013 though the Reconciliatory Court of Hebron ordered his release on bail which he has already paid.

Two courts decisions with respect to political detention were not implemented as follows :

Number	Name	Detention center	Detention date	Verdict date
1.	Abdulfatah Azzam Muhammad Al-Hassan	Preventive Security Agency \ Ramallah	May 9, 2009	2\3\2010, he appeared before the military court on 14\8\2010. It was adjourned till 21\9\2010 on which date the court sentenced him to (12) years in prison.
2.	Ayub Ahmad Ahmad al-Qawasmi	Preventive Security Agency \ Hebron	30\12\2010	He was sentenced by the military court of Hebron to eight (8) months in prison in August, 2011. He served his term in prison but still not released yet. ICHR addressed the Head of the Preventive Security Agency to release him, but it didn't get an answer yet.

Besides the aforesaid decisions, a number of administrative decisions were issued over the past few months, but the executive authority hasn't implemented any of them: Some of these decisions are:

1. On 24/6/2009, the Palestinian High Court of Justice ordered cancellation of the Ministry of Interior's order of **setting a provisional Preparatory committee for the management of Yatta's Islamic Orphans' Care Society** in place of the elected

administrative committee without any legal justification in violation of article (37) and the provisions of the Charitable Associations' Law of 2001. The court's ruling has not been enforced by the executive authority.

2. On 22/4/2009, the Palestinian High Court of Justice ordered reinstatement of **Noor al-Din Hamad** who was fired from his work for the police agency on 1/11/2007, but the order hasn't been enforced up to the moment of writing this report.
3. On 8/7/2009, the Palestinian High Court of Justice ordered cancellation of the Ministry of Interior order of setting a **provisional preparatory committee for the management of Bet Umar Society Orphans' Care** in place of the elected administrative committee without a legal justification in violation of the provisions of the charitable associations' law of 2001. The court's order hasn't been enforced yet.
4. On 28\12\2010, Ramallah's Court of First Instance ordered payment of NIS 29183 for Emad Radwan Abdelazeez Ramaha who was working as chef for the Military Liaison Office, but the order hasn't been enforced yet.
5. On December 28, 2010, Ramallah's Court of First Instance ordered payment of the financial entitlement of NIS 30120 for Abdelraof Omar Sawalmeh who was serving as a civil servant for the National Security Service. The decision hasn't been implemented even after the end of January, 2012.
6. On 26\9\2011, the High Court of Justice ruled in favor of **Muhammad Abdelqadir Ibrahim Karaja**, member of the National Security Agency, stipulating that the duration starting from 1\4\2008 till 15\7\2010 is part of his service and so must be included into his pension. The decision hasn't been enforced.
7. On 30\11\2011, the Palestinian High Court of Justice ordered cancellation of Ithna's municipal council decision of dismissing Secretary Issa Muhammad Ismael Awad because his appointment wasn't approved by the Minister of Local Government, but the order hasn't been enforced yet.
8. On June 12, 2012, the Court of High Justice issued a decision in favor of **Husam al-Din Mahmoud Awawdi** canceling the decision of retiring him from the Preventive Security Service. The decision hasn't been implemented yet.
9. On 7\10\2012, The High Court in Gaza ordered release of Muhammad Yousif Wadi, 32 years old, held in Gaza Prison by the Borders Authority which is subordinated to MoI and National Guard, but the order hasn't been implemented yet.

Non-implementation, delay or procrastination of courts' decisions was noticed this month; especially in the West Bank but with a lesser degree compared with that of past months. Non-implementation of courts' decisions by the different courts regardless of their degrees constitutes a blatant violation of the Palestinian basic law; especially article (106) which states that "judicial decisions shall be implemented and averting that is a crime punishable by imprisonment and dismissal from public office".

ICHR stresses that the competent authorities; especially the Public Prosecution should take the necessary measures to implement courts' decisions.

