



## Monthly Report on Violations of Human Rights and Freedoms in the Palestinian - Controlled Territory February, 2013

This monthly report highlights major human rights violations monitored and documented by the **Independent Commission for Human Rights (ICHR)** throughout the Palestinian-controlled Territory in February, 2013.

ICHR monitored and documented the following cases of human rights violations during the period covered by this report:

- ICHR monitored (14) unnatural death cases – (8) cases in the West Bank and (6) cases in the Gaza Strip.
- ICHR monitored (17) cases of torture and ill-treatment in the detention centers – (8) cases in the West Bank and (9) cases in the Gaza Strip-. Most of these cases were registered against the Police Agencies in the West Bank and Gaza.
- ICHR monitored (59) cases of arbitrary detention – (28) cases in the West Bank and (31) cases in the Gaza Strip.
- Several courts' decisions relevant to administrative cases were not implemented.

## **Violations in detail:**

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

In February 2013, ICHR monitored (14) deaths in the Gaza Strip and (6) others in the West Bank distributed as follows: one (1) death occurred in Shiekh Radwan Police Center in Gaza City and one (1) occurred due to misuse of firearms in the Gaza Strip; three (3) deaths also occurred in the West Bank due to clans' disputes, and three (3) others occurred under mysterious conditions of which (2) in the West Bank and (1) in the Gaza Strip. Four (4) other deaths occurred due to negligence of public safety measures of which (3) in the Gaza Strip and (1) in the West Bank. Also, two (2) deaths occurred in tunnel incidents in the Gaza Strip.

## **More details on the death toll during the month of February 2013:**

### **1. Deaths in Detention Centers:**

On February 8, 2013, **Mahrus Fathi Nassar, 37** from Gaza, died in the Police Center of Sheikh Radwan. ICHR learnt from his brother that the police arrested him on January 20, 2013, on criminal charges. His family received a phone call on February 7 telling them that Mahrus was admitted to ash-Shifa' Hospital in the City of Gaza. Medical examination of Mahrus showed that he was suffering from meningitis.

According to the police statement, they moved him to hospital after noticing the symptoms of the disease on his body and informed his family about that. The Ministry of Interior also opened investigation into his death.

In this context, ICHR affirms that the Police Agency is responsible for the safety of all the inmates it holds, and so it must ensure medical care for them in accordance with the law of the reformation and rehabilitation centers of 1998; especially article (13) which emphasizes that each inmate should be medically examined upon his/her entry into prison, and periodic reports should be written about his/her health conditions and be referred to hospital when need. ICHR also demands the Attorney General in Gaza to investigate the death conditions of the mentioned citizen and make the findings of the investigation available to the public.

### **2. Deaths due to Misuse of Firearms:**

On February 2, 2013, **Atyeh Sulaiman Kishtah, 41**, from Rafah, died of a bullet injury in the back. According to the information ICHR received, he was wounded with a fire bullet fired at him by the Anti-Drugs Police. His family said that their son left his home at dawn on that day to buy medicine for his sick daughter while the Anti-Drugs Police

said that they were ambushing him in the middle of the city. When he got off his car, they said, in an attempt to escape from them, they fired warning shots injuring him in the back. They rushed him to Abu-Yousif An-Najar Hospital in the city where he succumbed to his wound. The police opened investigation into the incident.

### **3. Deaths under Mysterious Conditions:**

- On February 4, 2013, **Hasan Salah Muhammad Jalayta, 46**, from Jericho, Preventive Security Agency Officer, died by hanging in the dormitory of the Agency in Beitunia. According to the information of ICHR, Jalayta was summoned by the administration of the agency on January 31, 2013 and kept there until February 2<sup>nd</sup>. On the fourth of the same month, he was summoned again for interrogation about work related issues. One day later, he was found hung with an electric wire in the bathrooms of the agency's dorms. ICHR has followed up this case from the beginning and asked the Preventive Security Agency to make the findings of the investigation available to the public. On February 20, it addressed the administration of the preventive security officially to provide it with the findings of the investigation but of no avail. Furthermore, the family of the deceased informed the researcher of ICHR in a telephone call on 27 of the same month that they haven't got the forensic report yet.
- On February 19, 2013, **Tahani Omar Kasab, 21**, from the town of Jabalia, died of severe burns. According to the information of ICHR, Tahani arrived at Kamal Odwan Hospital suffering severe burns of gasoline spilled on her body in a family's dispute. The police arrived at the scene and opened investigation into the incident.
- On February 8, 2013, **Afnan Nawaf Hanagra Rashaydeh, 11**, from Bethlehem, died under mysterious conditions. According to the information of ICHR, she was admitted to Bet-Jalah Public Hospital dead after she was hanged. The police arrived at the scene and opened investigation into the incident. ICHR believes that the official authorities, especially the Public Prosecution, should investigate into all the deaths that occurred under mysterious conditions with special attention to those of women.

### **4. Deaths in Clans' Disputes, Reprisals and Deliberate Killing:**

- On February 23, 2013, **Amal Ibraheem Saraheen (al-Ajarmah), 34**, from the town of Bet Ula near Hebron, died of multiple bullet and stab wounds. According to the information of ICHR, she was attacked while walking in Ein Sarah Street in Hebron. The police arrived at the scene and opened investigation into the incident. It was found out that the crime was committed for revenge reasons.
- On February 26, 2013, **Eman Jibreen Ibraheem Ajarma, 26**, from the town of Bet Ula near Hebron died of stab wounds she sustained on 23\2\2013. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. It was found out that the crime was committed in revenge for a past dispute. A number of suspects were arrested. ICHR recalls that the two mentioned women were detained on 10\1\2008 on charges of killing Amal's husband and released on 28\1\2013 on a bail of JD 4000 though the bail was not paid. ICHR calls for opening investigation into the decision of releasing them without taking into account the degree of danger they were subjected to, knowingly the Public Prosecution refused to release them before in fear for their lives.
- On February 11, 2013, **Ahmad Sudqi Maali, 30**, from the village of Deir Jareer near Ramallah, died of multiple bullet wounds to different parts of his body. A security officer (Muhammad Arafat Abu Libdeh, 33) was also injured with a bullet in the neck while trying to prevent the commission of the crime in al-Bireh city. He underwent a surgery and his health condition is now stable. According to the information of ICHR, the security forces arrested the person who committed the crime against a revenge backdrop. A large security force was deployed in the village to prevent any escalation.

##### **5. Deaths due to Negligence of Public Safety Measures.**

- On February 3, 2013, **Sulaiman Mahmoud Abu Sharkh, 50**, from the city of Rafah, died of falling off an elevator. According to the information of ICHR, he fell, while doing his work in Abu Yousif an-Najar Hospital in Rafah, due to an error in the elevator. The police arrived at the scene and opened investigation into the incident.
- On February 2, 2013, **Rashwan Mansour Rashwan, 40**, from Rafah, died of a landslide while digging a cesspit near his house. The police arrived at the scene and opened investigation into the incident.

- On February 26, **Muhammad Ali Abu Dakah, 34**, from the town of Abbasan al-Kabeerah in Khan Younis died of electric shock. According to the information of ICHR, he was electrocuted while using an electric welding machine. The police arrived at the scene and opened investigation into the incident.
- On February 17, 2013, **Salah Hussein Abdullah Shabaneh, 20**, from the town of Singil in the governorate of Ramallah, died of falling off a crane while working in a cement factory in the area of Rafat in the governorate. According to the information of ICHR, he died when the crane slid due to crushing against a bulldozer in the factory. The police arrived at the scene and opened investigation into the incident. The public relations department of the police agency stated that the primary investigations showed that the cause of death is job injury. The driver of the bulldozer was referred to the Public Prosecution for legal proceedings.

## **5. Deaths in Tunnels on Gaza Egypt's Border.**

- On February 23, 2013, **Muhammad Khaleel Arbee', 16**, from the city of Khan Younis, died of electric shock in one of the tunnels he was working in.
- On February 3, 2013, **Ahmad Ezat, Zarab, 20**, from Khan Younis, died when a crane fell over him in one of the tunnels he was working in.

## **6. Torture during Detention- Cruel and Degrading Treatment**

In February 2013, ICHR received (17) complaints on torture and ill-treatment. Eight (8) of these complaints were received from the West Bank as follows:

Six (6) complaints were against the Police General Investigation Unit, one (1) against the Preventive Security Agency and one (1) against the General Intelligence Agency. In the Gaza Strip, it received (9) complaints of which (6) were against the Police Agency and (3) against the Internal Security.

The allegations of torture involved suspension from the ceiling, punching, beating and ill-treatment.

ICHR notices that the number of complaints on torture and ill-treatment increased in the West Bank this month in comparison with the past month while slightly decreased in the Gaza Strip. The complaints received by ICHR show that most of the violations involving torture and ill-treatment are committed by the Police Agency in the West Bank and in the

Gaza Strip. It, therefore, addressed the official authorities concerning these complaints but hasn't received answers yet.

## **II. Violation of the Right to proper legal procedures – Ongoing Arbitrary and Political Detention.**

In February 2013, ICHR received (28) complaints in the West Bank on negligence of appropriate legal procedures during arrest and detention. The complainants claim that they were subjected to arrest and detention for political reasons or arbitrarily. In the Gaza Strip, it received during the same period (31) complaints on political or arbitrary detention. ICHR believes that it is necessary for the official authorities to commit to the law and follow appropriate legal procedures relevant to arrest and detention.

## **III. Assault on Persons and on Public and Private Property.**

- On February 24, 2013, a citizen from the City of Rafah fired his gun in the lobby of Abu Yousif an-Najar Hospital in the city. The bullets hit the ceiling of the building but no injuries were reported. According to the information of ICHR, he fired in the hospital in protest against the medical staff failure to handle the case of his brother who was admitted to the hospital for treatment due to a traffic accident. The police tried to capture him, but he was able to escape.
- On February 25, 2013, The Education Directorate of North Hebron was attacked by teachers and students. They tampered with its furniture and assaulted its staff in protest against the arbitrary decision of the Ministry of Education to transfer them from their schools to teach in another area and deduct off their salaries for the strike days.
- On February 10, 2013, the car of the Deputy Chairman of the Popular Committees for the Service of the Refugees, Sameer Attah Udi, was set on fire in Aydeh refugee camp near Bethlehem. According to the information of ICHR, a blast was heard outside Sameer's home, and a force of the civil defense arrived at the scene and put out the fire. The police opened investigation into the incident.

- **On January 31, 2013**, the police were noticed about a fire breaking out in the public market in the City of Nablus. According to the information of ICHR, the police and the civil defense brigade arrived at the scene to put out the fire and open investigation into the incident. Part of the market and salesperson' goods were burnt. Investigations into the incident started but no results were reached yet. The Governor's Office in Nablus is going to specify the damages and compensate the citizens affected by the fire.
- On February, 23, 2013, Unknown persons fired their guns towards the vehicle of the Director of the Interrogation Unit of the Preventive Security in Jenin, Captain Munir Najjar. According to the information of ICHR, the police arrived at the scene in the area of Abu Dheir in Jenin and opened investigation into the incident. No suspect was arrested.
- On February 14, 2013, the police of Gaza First Instance Court attacked Ahmad Waleed Ajalah, Lawyer, 25, from Gaza City. They held him in the court's lock cell for a while. According to the information of ICHR, the court's policemen beat him with their hands and butts of their guns injuring him in the head before locking him in the cell for 30 minutes. He was released after the intervention of the Bar Association. ICHR intervened with the High Judicial Council to form a committee to investigate into the incident. It wasn't informed of any result till the time of writing this report.

#### **IV. Violation of the Rights of the Persons with Disability (PWD)**

ICHR received during the period covered in this report (28) complaints on the violation of the rights of PWDs, especially the right to work and to have access to health and social services in addition to the rights stated under the Palestinian basic law.

The ICHR believes that the competent authorities should commit to the provisions of the law with respect to employment; especially it allocated 5% of employments at any institution for the persons with disability. They must also adjust the public places to become accessible to PWD.

## **V. Dismissal from Public Office (Arbitrary Dismissal) and Security Clearance Condition.**

In February, 2013, ICHR received (9) complaints on dismissal from work distributed as follows: (6) complaints on non-recruitment despite meeting all qualifications, (2) complaints on arbitrary dismissal for political reasons and (1) complaint on non-employment due to disability.

ICHR believes that it is necessary to implement the decision of the government to cancel security clearance condition, implement the court's decision to reinstate those who were fired from work in compliance with the law provisions, comply with legal employment standards and stop excluding some citizens from employment unless they get the consent of the security agencies.

## **VI. Violation of the Right to Movement and Travel.**

- On February 27, 2013, the Department of Residency and Foreigners' Affairs of the Ministry of Interior in the Gaza Strip decided to bind the people who wish to travel through Bet Hanun "Eirez" crossing to get the agreement of the ministry. The decision also applies to the citizens who travel to visit their relatives in the West Bank and the Palestinian territories occupied in 1948. Moreover, it applies to the students who need to interview the Consulates to study abroad and the citizens who travel to Jordan or through airports. ICHR believes that such a decision would exacerbate the suffering of the citizens of the Gaza Strip, especially they have to go through the restrictions and measures imposed on this crossing by the Israeli occupation authorities. It is worth mentioning that the occupation authorities notices the citizens who are permitted to travel through that crossing just few hours before the date of their passage making it impossible for the citizen to refer to the Ministry of Interior. Hence, ICHR demands the Ministry of Interior in Gaza to cancel this decision because it constitutes a violation of the right of the citizens to freedom of movement and travel which is enshrined under the Palestinian basic law and relevant international conventions.
- The Preventive Security Agency in Hebron still seizes the identity card of Raed Mahmoud Sharabati, 41, university student, from Hebron after



summoning him for political reasons on 18\12\2012. They seized his identity card at that time and refused to give it back to him since then. ICHR addressed the Preventive Security Agency after receiving a complaint from the said citizen, but it received no response yet.

- In February, 2013, ICHR received a complaint from Mahmoud Adel Faris Teeti, 23, from al-Fawar refugee camp near Hebron, claiming that the Preventive Security Agency in Hebron seized his identity card and university card since April, 2012 after summoning him for political reasons and hasn't given them back to him up to the moment of writing this report. ICHR followed up the case and shall send the agency a letter in writing in this regard to get an official response. The complaint was filed with ICHR in late February, 2013.
- On February 24, 2013, members of the police agency prohibited Amal Tawfeeq Hamad, Member of Fatah Central Committee, from the City of Khan Younis, from traveling through Bet Hanun crossing to Ramallah. According to the statement ICHR received, the customs police stationed near the crossing informed her that she is prohibited from traveling by a political decision.
- On February 23, 2013, members of the internal security stationed on Rafah Egypt's border prohibited (9) members of the Palestinian Authority's Public Prosecution refusing to do their work, from traveling to Cairo. The Public Prosecutors are: Khaled Abu Abed, Ali Hilis, Nabeela Shaer, Ahmad al-Ashqar, Raja' Basheeti, Adli Abu Daqa, Dia' Wafi, Lubna Mater and Ismael Abu Alwan. According to the information of ICHR, the said citizens were asked to attend an interview with an officer of the internal security after they got their passports sealed. The officer informed them that they are prohibited from traveling, and so they need to refer to the internal security office in Gaza.
- Muhamad Mazen Ayad, 24, from Gaza City filed a complaint with ICHR by the end of February, 2013, against the Ministry of Interior in Ramallah. He claims that he applied for a passport through an-Nadi Office for Services in Gaza in February, 2011 but of no avail. He applied once again on 28\6\2012

but hasn't received any answer from the ministry yet. ICHR will follow up the case with the ministry in Ramallah.

## VII. Delay in and Procrastination of Implementation of the Palestinian Courts' Rulings.

In February, 2013, ICHR documented (2) complaints on postponement of implementation of court's decisions. After following up the cases, one case was resolved and the other is still pending as follows:

The complaint filed by **Hasan Muhammad Aref Shtewi**, asks the competent authorities to commit to the decision issued by the court of Nablus municipality on 28\7\2011 ordering removal of the establishments built, by another citizen, on his land in contravention of the law. ICHR shall follow up this case with the competent authorities.

*Two other courts' decisions relevant to arbitrary political detention remained unimplemented as follows:*

Number	Name	Detention Center	Detention Date	Date of Ruling
1	Abedalfatah Azzam Muhammad al-Hasan	Preventive Security \ Ramallah	9\5\2009	On 2\3\2010, The High Court of Justice ordered his release. After that (on 14\8\2010), he was brought before the military court. It adjourned the hearing of his case. Following that date, it held another hearing for his case and sentenced him to 12 years in prison.
2	Ayub Ahmad Ahmad al-Qawasmi	Preventive Security \ Hebron	30\12\2010	The military court of Hebron sentenced him to (8) months in prison though he is civilian. Despite serving his term in prison in August, 2011, he hasn't been released yet. ICHR addressed the Chief of the Preventive Security in this regard but hasn't received a response yet.

**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 probation of the decision of the Ministry of Interior to form a **provisional Preparatory committee for the management of Yatta's Islamic Orphans' Care**

- Society** in place of the elected board without any legal excuse in violation of the provisions of the charitable associations' law of 2001, especially article (37) thereof. 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 probation of the decision of the Ministry of Interior to form a **provisional preparatory committee for the management of Bet Umar Society Orphans' Care** in place of the elected board without a legal excuse in violation of the provisions of the charitable associations' law of 2001. The court's decision hasn't been enforced yet.
  4. On 28\12\2010, Ramallah First Instance Court ordered payment of the financial accruals of ( NIS 29183) for Emad Radwan Abdelazeez Ramaha who was working as a chef in the military liaison office. The decision hasn't been implemented yet.
  5. On December 28, 2010, Ramallah's Court of First Instance ordered payment of the financial accruals 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 yet.
  6. On 26\9\2011, the High Court of Justice ruled for **Muhammad Abdelqadir Barakat Ibrahim Karaja**, member of the National Security Agency, 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 probation 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.

ICHR noticed that non-implementation of courts' decisions in the West Bank persisted during this month and previous months as well. ICHR considers act as a blatant contravention of the provisions of the Palestinian basic law, especially article (106) which states that "courts' decisions should be implemented and refraining from that should be criminalized and punished by imprisonment or removal from public job". It also believes that the competent

authorities, mainly the Public Prosecution should adopt the appropriate measures to implement these decisions.