



Monthly Report on the Violations of Human Rights and Freedoms in the Palestinian Controlled Territory April 2013

This report highlights the main violations monitored by the Independent Commission for Human Rights in the Palestinian controlled territory in April 2013. ICHR concluded of the violations it monitored the following:

- ICHR continued to monitor the violations typically committed every month such as the violation of the right to life, the right to due process of law, public freedoms, freedom of opinion and expression and others. It received and registered (51) complaints about allegations of torture and (45) complaints of inappropriate legal procedures during detention. Most of these complaints were filed against the Police Agency in both the West Bank (WB) and the Gaza Strip (GS).
- Nine (9) unnatural deaths were registered.
- ICHR had several achievements with respect to handling complaints. It succeeded in pushing the authorities to implement the traffic law as regards licensing of vehicles of more than (2000) CC for PWDs. They can have a license of such vehicles for paying (JD 5) only instead of paying full fees as it used to be in the past according to the regulation issued in 2010.
- ICHR was able to convince the Public Prosecution to publish the findings of the investigation it conducted into the death of Ayman Muhammad Samarah who died in the Correction and Rehabilitation Center of Jericho. The Public prosecution published these findings to the media in a press conference on 1\3\2013. It revealed that Samarah died of internal bleed of ulcer.

Below is a detailed description of the aforementioned violations:

I. Violation of the Right to Life and Physical Safety:

ICHR monitored nine (9) deaths during the period covered by this report. Eight (8) of these cases occurred in WB and the other one in GS. As for the cause of death, they were distributed as follows: two (2) cases occurred under mysterious condition and six (6)

أُنشِيتِ الْهَيْئَةُ الْمَسْتَقِلَّةُ لِحَقُوقِ الْإِنْسَانِ بِمُوجِبِ مَرْسُومِ رِئَاسِي رَقْمِ (59) عَامِ 1993، وَالْمَادَّةِ (31) مِنَ الْقَانُونِ الْأَسَاسِيِّ الْمَعْدَلِ الْفِلَسْطِينِيِّ لِعَامِ 2003

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cases due to lack of public safety precautions in WB. One case occurred due to tunnel collapse in the GS.

The following provides more details on the deaths that occurred in April 2013.

1. Deaths under Mysterious Conditions:

- On 7\4\2013, Ayah Basam Hashim Flefel, 18, from Al-Ama'ri Refugee Camp, was found dead in the camp. According to the information of ICHR, the primary medical report showed that she had bruises in the chest, left shoulder, abdomen, feet and lower limbs. After being examined primarily in Palestine Medical Complex in Ramallah, her body was transferred to the Forensic Medical Institute for autopsy. Investigation into the incident is still underway.
- On 30\4\2013, Rabei' Abdelkhalik, Turukman, 28, was found dead in his apartment in Ramallah. According to the information of ICHR, the General Investigation Unit of the Police Agency was noticed of his disappearance since 27\4\2013. The primary investigations showed no criminal sign on his body. He was transferred to the Forensic Medical Institute in Abu Dis for autopsy to reveal the cause of his death.

2. Deaths due to Negligence and Failure to Adopt Public Safety Precautions.

- On 3\4\2013, Mahmoud Muhammad Abdelhamid Jabir Islebi, 18, from Bet Umar near Hebron, died of a serious injury he sustained when his tractor overturned. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The medical report showed that his skull was fully fractured. The investigations made by the Public Prosecution showed that he died in the accident which happened due to negligence of public safety precautions.
- On 8\4\2013, Muhammad Abdelfatah Shretih, 22, from the village of al-Mazrah al-Gharbia near Ramallah died of falling off the fifth floor of a building in Ramallah. According to the information of ICHR, the police arrived at the scene but found no criminal sign. The incident happened due to negligence of public safety precautions.
- On 9\4\2013, Ala'a Muhammad Abdelrasul Sweti, 17, from the village of Bet-Awa near Hebron, died of drowning in a well. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The Public Prosecution

also investigated into the incident. According to the findings of the investigation, the child died of drowning.

- On 12\4\2013, Muhammad Eyad Saed Dus, 13, from Um-Sharayet neighborhood in Ramallah died of falling off the fourth floor of his family's house while checking water tanker. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.

- On 16\4\2013, Sadeel Khaled Mahmoud al-Jayawi, 5, from the town of Ethna near Hebron, died of electricity shock. According to the information of ICHR, the police arrived at the scene and opened primary investigation into the incident. The findings of the final investigation made by the Public Prosecution show that the incident occurred due to negligence of public safety precautions.

- On 24\4\2013, Esa Muhammad Abed Hamdan, 68, from the village of Shawawrah near Bethlehem, died of falling off a construction workshop in the village of Dar Sallah in the vicinity. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The Public Prosecution requested from the Ministry of Labor to dispatch members of its staff to the scene.

3. Deaths in Tunnels on Gaza Egypt Borders.

ICHR documented one tunnel-related death case during the period covered by this report. On 1\4\2013, Amer Kamel Salem Abu Khamash, 20, died of an injury he sustained when a gas cylinder blew up in the tunnel he was working in.

4. Injury due to Misuse of Firearms – Internal Explosions.

- On 12\4\2013, Saber Sulaiman Abu Esheban, 18, from Rafah, sustained a bullet wound to the left shoulder when masked persons fired at him. The police arrived at the scene and opened investigation into the incident. The findings of the investigation show that the incident was due to family dispute.

5. Torture during Detention- Cruel and Degrading Treatment.

ICHR received during the period covered by this report (51) complaints of allegations of torture and ill-treatment, (28) of which in WB and (13) in GS. These complaints were distributed as follows:

- (13) against the General Investigation Unit of the Police,
- (7) against Preventive Security,

- (7) against General Intelligence,
- (1) against Military Intelligence.

With regard to GS, it received (23) complaints of different patterns of torture, including Shabh, punching, beating and ill-treatment.

The complaint of torture filed by Muhammad Abdelkareem Dar Muhammad, from Hebron, was one of the major complaints ICHR received in this regard. He claimed that he was subjected to torture and ill-treatment while detained by the Preventive Security Agency in Hebron. On 28\4\2013, he was rushed to the Public Hospital of Hebron for the second time after suffering speech impairment and injuries due to being subjected to beating on the head while hand-cuffed in solitary confinement throughout the period of his detention. When ICHR asked for medical reports to verify these claims, he claimed that the hospital refused to give him any report. However, the field researcher of ICHR visited Dar Muhammad in hospital. He found out that he was suffering from speaking difficulty. In light of this case, ICHR addressed the Minister of Interior to investigate into the incident and bring perpetrators to justice.

II. Violation of the Right to Due Process of Law – Including Arbitrary and Political Detention:

ICHR received, during the period covered by this report, (45) complaints of violations of the right to due process in the WB. The complainants claim that they were detained because of their political affiliation or arbitrarily. Likewise, It received (17) similar complaints in the Gaza Strip. ICHR believes that the official authorities should abide by law and follow appropriate legal procedures of detention or arrest.

III. Violation of the Right to Freedom of Expression and Freedom of Media and Peaceful Assembly:

On 6\4\2013, the mothers of the persons detained by the Internal Security Agency in Gaza due to their affiliation with Salafist Parties organized a protest in the City of

Rafah calling for the release of their sons. The Internal Security didn't allow journalists and cameramen to cover the protest. They expropriated the camera of Firas Judeh, Maan Cameraman but returned it the following day.

- On 20\4\2013, the General Intelligence Agency arrested Tareq Abu Sfera, journalist while being hospitalized in the Arab Relief Hospital in Ramallah. They interrogated him about his reports for Al-Quds News Network. After hours of interrogation, he was released.

- On 26\4\2013, the Preventive Security Agency arrested Khaldun Zakaryah Abdulrahman Mazlum, journalist while accompanying his family in Ramallah. He was interrogated about his work as a journalist. He was released on 28\4\ 2013 without appearing before court.

IV. Assault on Public and Personal Freedoms:

- On 2\4\2013, the Police Agency in the Gaza Strip started a crackdown on young people with long spiky hair and tight or low-waist trousers. It seized many young people with such style of life and forced them to shave their heads. It also forced them to sign a paper not to return to such a style of hair or dress.

On 2\4\2013, the Government in the Gaza Strip announced this campaign, (My Values, My Life), in a press conference. This campaign was acknowledged by a committee formed of the Ministry of Culture, the Ministry of Interior and other Line Ministries with a view to enhance the genuine Islamic and Arab values in the Palestinian society by monitoring and reducing the new style of life some youths like to lead.

V. Violation of the Right to Academic Freedoms.

On 24 \ 4\ 2013, ICHR received a complaint from, Samir Esa Muhammad Awad, Head of the Islamic Bloc at Bethlehem University, in which he claimed that the Islamic Bloc is subjected to much pressure to the extent where it was deprived of academic freedom, especially with respect to students' representation at the students council of the university. Awad stated that the Islamic Bloc withdrew from the students' council election of 2013-2014 due to the pressure placed on its acolytes and cadres by the

security agencies. Two of its candidates, for example, were directly pressured by these agencies. Ibrahim Atawneh, student, from the village of Kharas near Bethlehem, was threatened by the general intelligence. He claimed that an officer of the general intelligence visited him at home and told him that “you support for the Islamic Bloc would cause much harm to you”. Musa Abu Ghush, student, went through similar experience as an officer in the preventive security asked his uncle to pressure him not to run for the election. Despite that, they pressed ahead with candidacy out of their faith in their right to participate in the election, they said.

On 22\4\2013, when the election was held, Awad said that he was surprised by the pressure put by the security agencies on the students. He added that the security officials warned the students against electing the Islamic Bloc. He noted that the security agencies told them “if you vote for the Islamic Bloc, we will teach you a lesson”. They also asked the families of the female students to ask them not to vote for the Islamic Bloc according to the statements received by ICHR. The same pressure was applied to the independent students. This behavior deprived many students of the right to participate in the election. Though no detention case was registered, the Islamic Bloc decided to withdraw from the election for the protection of its affiliates and supporters.

VI. Assault on Public and Private Properties.

- On 2\4\2013, an explosive device went off opposite to al-Mana supermarket in Jabalia Refugee Camp. The explosion caused big damage to the goods, refrigerator, windows, doors and façade of the supermarket. The nearby house also sustained some damage. The police, according to the information of ICHR, arrived at the scene and opened investigation into the incident.
- On 19\4\2013, the car of Mahmoud Hussein, 46, leading official of Fatah Movement in Rafah, was set on fire. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The findings of the investigation showed that an unknown persons set fire to the car causing slight damage to it.
- On 29\4\2013, big explosion occurred near the house of Munzir Ghazi Bardaweel, 54, Sec-Gen of Fatah Movement in Rafah. Damage was caused to the house and the car of Al-Bardaweel. The nearby houses also sustained some

damage. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.

- On 30\4\2013, unknown persons crashed a car belonging Khaled Mousa, Member of Fatah District Office, while it was parking near his house in Rafah. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.

VII. Violation of the Rights of PWDs.

ICHR received during the period covered by this report (6) complaints of violations of the rights of the PWDs. Most of these complaints focused on the right of the PWDs to work and access to health services, social security and other rights enshrined in the Palestinian basic law and the law of the PWDs. ICHR believes that the official authorities should abide by the provisions of the law with respect to employment of PWDs, especially the law states that 5% of employment opportunity in public institutions should be assigned to PWDs. It also urges them to make public places physically accessible.

VIII. Complaints Concerning the Right to Work (Salary Deduction and Arbitrary Dismissal).

ICHR received (3) complaints related to dismissal from public office on the basis of security clearance, and (7) complaints related to violation of honest competition for employment at the Ministry of Education. It also received (42) complaints related to deduction of salaries. These complaints were filed by teachers whose salaries were subjected to deduction due to their participation in the protests organized by the Teachers Union against their difficult work and financial conditions. Additionally, it received some complaints from teachers who were arbitrarily moved from their workplaces to others.

ICHR addressed the Ministry of Education in this regard and received responses in which the Ministry justifies such measures claiming it is in favor of the work itself. With regard to deduction from salaries, the Ministry of Education answered that it included only the salaries of the teachers who refrained from working with no legal excuse causing damage to the educational process. It added that their decision to refrain from work was in breach of the provisions of the civil service law, especially article 119.

ICHR believes that the government's decision to abolish the security clearance condition and the court's ruling to reinstate dismissed teachers should be promptly implemented in compliance with the provisions of the law.

It also believes that the terms of appointment should be applied in accordance with the law and violation of any of these terms under the pretext of security excuses should stop.

IX. Violation of the Right to Movement and Travel.

On 15\4\2013, the Internal Security Agency denied Abdulraof Shreqi Barbakh, 41, and Khaled Ahmad Ahmad Mousa, 43, leading officials of Fatah Movement in Rafah, the right to travel through Rafah Crossing to Egypt with no excuse. It requested them to report to the headquarter of the Agency in Rafah on 22\4\2013.

Seizure of Identity Cards.

ICHR received a complaint from Raed Hmeedan Mahmoud Sharabati, 41, from Hebron in which he claims the Preventive Security Agency in Hebron seized his identity document after summoning him for political reasons on 18\12\2012.

On 13\2\2013, ICHR addressed the Preventive Security in this regard but received no answer up to the moment of writing this report.

In the same context, ICHR received a complaint from Mousa Amin Sadi Mousa Burqan, 32, from Hebron in which he claimed that the Preventive Security Agency in Hebron seized his identity document following his detention on 17\3\2013. Though he was released pursuant to the court's decision issued on 21\3\2013, he hasn't been given his identity document back. ICHR addressed the Preventive Security in this regard but received no answer yet.

X. Expropriation of Citizens' Property Without Judicial Order.

ICHR received during the period covered by this report several complaints in which complainants claim that the security agencies expropriated their private property without judicial orders. These complaints were distributed as follows:

- On 1\4\2013, ICHR received a complaint from Amjad Muhammad Khamis Abu Nijma in which he claimed that that the General Intelligence in Hebron detained him and expropriated his computer set and compacted discs on 27\2\2013.

- On 2\4\2013, ICHR received a complaint from Mahmoud Muhammad Yousif Zama'ra in which he claimed that the General Intelligence in Hebron expropriated his Laptop, 2 routers, PC, 2 mobile phones, and a number of compacted discs.
- on 7\4\2013, ICHR received a complaint from Nawal Abedrabu Khaleel Abu Aysha in which she claimed that the General Intelligence in Jericho seized (NIS 4400) from her son (Emad Aby Aysha) who was held by them.
- On 7\4\2013, ICHR received a complaint from Ibraheem Muhammad Dahir Abu Ayash, Chairman of the Board of Directors of Bet-Umar Charitable Association. He claimed that the Monetary Authority seized (NIS 4105) and (JD 93) from the Association's account in Amman Cairo Bank in Ramallah.
- On 14\4\2013, ICHR received a complaint from Sameeh Muhammad Abdullatif Ghneemat against the General Intelligence in Hebron. He claimed that they expropriated his Laptop and 2 mobile phones.
- On 17\4\2013, ICHR received a complaint from Sulaiman Mahmoud Sulaiman Kasteero in which he claimed that the General Intelligence expropriated his Laptop. ICHR addressed the official authority but received no answer up to the moment of writing this report.

XI. Non-Enforcement of Courts' Decisions.

ICHR documented during the period covered by this report (25) complaints on delay of enforcement of courts' decisions. (21) of these complaints were filed against the General Intelligence Agency. (20) of them were enforced while (1) is still pending in addition to (4) others.

The complaints filed with ICHR concerning the courts' decisions which were not enforced yet:

- Mahmoud Ahmad Abdullah Azzam was detained by the General Intelligence in Salfit on 18\3\2013. He appeared before Salfit magistrates' court which decided to release him on bail on 9\4\2013, but the General Intelligence hasn't enforced that decision. He appeared before the same court on the same date on new charges. On 11\4\2013, it acquitted him of all those charges and decided to release him. After two hours of his release, the General Intelligence detained him

from his house once again and he is still in its central investigation center in Jericho.

- On 30\1\2013, the High Court of Justice issued a decision in favor of reinstating Abdelnasir Yousif Ali Qadus, from Nablus, to his job in the Civil Defense Department and paying him his salary retroactively. ICHR addressed the Civil Defense in this regard. It answered that it didn't have anything to do with firing him from work. It added that it worked hard to reinstate him but of no avail. It sent a version of the court's decision to the Director General of the Organization and Administration Department to act with respect to that decision. So ICHR sent a letter to that Department in this regard but received no answer yet.

- ICHR received a complaint from Muhammad Shubash Muhammad Abu Ahmad, from Jenin, in which he demanded the General Retirement Authority to enforce the High Court's decision, issued on 30\11\2005, to overturn the decision challenged and bind the civil retirement committee to pay him his financial dues. He worked for vocational training from 22\5\1986 until 1\9\2005 when he was retired. ICHR is following up this case and shall address the competent authority in this regard.

- On 16\4\2013, ICHR received a complaint from Waleed Ibraheem Hussein Abu Shhedim, from Hebron, in which he claimed that the police didn't enforce the decision the Hebron Court of First Instance, issue on 3\6\2008, to stop his neighbor from bulldozing and excavating near his piece of land.

- On 3\4\2013, ICHR received a complaint from Abdullah Muhammad Mahmoud Nassar in which he claimed that the civil retirement committee didn't enforce the decision, issued by the High Court on 3\6\2008, to overturn the decision of the committee and pay him his financial dues. It hasn't enforced this decision up to the moment of writing this report.

Two previous security-related court's decisions were not enforced yet:

Number	Name	Detention	Detention	Ruling Date
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		Center	Date	
1	Abdelfatah Azzam Muhammad al-Hassan	Preventive Security Ramallah	9\5\2009	On 2\3\2010, he appeared before the military court. On 14\8\2010, the hearing was adjourned until 21\9\2010. On this date, he was sentenced by the military court to 12 years in prison.
2	Ayub Ahmad Qawasmi	Preventive Security\ Hebron	30\12\2010	The military court sentenced him to (8) months in prison though he is a civilian. He terminated his term in prison in August 2011 but still not released yet. ICHR addressed the Preventive Security in this regard but of no avail.

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.
9. ICHR received in March 2013 a complaint from Hassan Muhammad Aref Shtewi in which demands the competent authorities to implement the decision issued by Nablus Municipality Court on 28\7\2011 to remove the buildings and establishments built by another citizen on his land in contravention of the law in a mane that constitutes a blatant assault on his private property.
10. On 12\9\2012, the High Court of Justice issued a decision in favor of Muhammad Kamal Dahdul Qura'an overturning the decision of al-Bireh Municipality with respect to building a road on the piece of land he owns.

11. On 18\5\2009, the High Court of Justice issued a decision in favor of Nizam Khadir Muhammad Eshtyeh with respect to promoting him to grade “C” in accordance with the civil service law. ICHR addressed the competent authorities in this regard but of no avail.

ICHR noticed that the violation of courts’ decisions during March increased in the West Bank compared to previous months as the phenomenon of non-enforcement of these decisions continued. ICHR considers this 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 if the perpetrator is public officer”. It also believes that the competent authorities, mainly the Public Prosecution should adopt the appropriate measures to implement these decisions.