



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

May 2013

ICHR continued to monitor this month violations of human rights committed in the Palestinian controlled territory. These violations involved the right life, torture and ill-treatment, unlawful detention, assault on public and private property, expropriation of citizens' money without a judicial warrant, abuse of public freedom and freedom of public opinion and expression, infringement of the right of PWDs, dismissal from public office, infringement of the right to movement and travel.

It documented during the period covered by this report (19) deaths of which (9) in the West Bank and (10) in Gaza Strip. Most of these cases were due to firearms, negligence of public safety precautions and tunnel-related incidents.

It also monitored issuance of (4) death sentences by Palestinian courts, of which (3) in the Gaza Strip and (1) in the West Bank. It released a statement then demanding the governments in the West Bank and Gaza Strip to abolish death penalty.

In addition, it monitored (73) cases of arbitrary detention of which (30) in the West Bank and (43) in the Gaza Strip. In the same context, it monitored (29) cases of torture and ill-treatment during detention of which (14) cases in the West Bank, divided as (11) by the Police Agency and (3) by General Intelligence. (15) such cases were monitored in the Gaza Strip. They were all registered against the Police Agency.

Furthermore, ICHR monitored (3) cases of prohibition of travel in the Gaza Strip.

ICHR received complaints regarding medical negligence, confiscation of citizens' property without warrant and other complaints related to dismissal from public office.

Finally, ICHR received this month (4) complaints concerning non-enforcement of decisions issued by Palestinian courts' in the West Bank.

Violations in details:

Violation of the Right to Life and Physical Safety:

Death under mysterious conditions:

- On 6 May, 013, **Minas Zedan Qasim, 21 years old**, from the town of Abu Dis, was found dead. Police sources said that the body of the deceased was found dumped on a roadside near a landfill on the road to Bethlehem. Burns and other scars were seen on her body. The Israeli Police

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

المقر الرئيسي - مكتب الوسط - رام الله : هاتف: 972 2 2987536 / 2960241 / 2986958 ، ص.ب. 2264 ، فاكس: 972 2 2987211

مكتب الشمال : هاتف: 972 9 2335668 ، فاكس: 972 2 23366408

مكتب الجنوب : هاتف: 972 2 2750549 ، فاكس: 00972222295443 ، 00972222746885 / 0097222211120

مكتب غزة : هاتف: 0097282824438 ، فاكس: 0097282845019

Agency received the body, after learning that the deceased was holding blue identity card (citizen of Jerusalem), to complete investigation.

- On 18 May, 013, **Masoud Asa'ad Abu Hilal, 36, years old**, from Rafah, was found dead in his home with stabbing marks on his body. The Police arrived at the scene and opened investigation into the incident. It arrested a number of suspects. The deceased was suffering from mental disorders.
- On 24 May, 013, **Fawaz Ibrahim Muhammad Dweeb, 25 years old**, from the Governorate of Bethlehem died. His body was taken to Bet Jala Public Hospital and then to Abu Dis Forensic Medicine Institute. The Public Prosecution stated that the body was handed over to the family of the deceased for burial and investigations are underway.
- On 30 May, 013, **Amin Ali Sharab, 63 years old**, was found dead in his money exchange store in the middle of Khan Younis. It appeared that he was stabbed with a sharp tool in the chest and head. He was transferred to hospital where he succumbed to his wounds. The police arrived at the scene and opened investigation into the incident.
- On May 30, 013, **Ziad Mousa Abu Mousa, 35 years old**, from Rafah, died when he set fire to himself on Rafah-Khan Younis Street. The Civil Defense Brigade tried to save his life, but it was too late.

Deaths in Clans' Dispute

- On 17 May, 013, **Basmeh Nasir Saleh, 14 years old**, resident of al-Bureij refugee camp, died of a bullet wound she sustained in the head. She was shot during a clan's dispute that broke out in the camp while she was standing in the veranda of her home. The police arrived at the scene and opened investigation into the incident. One suspect was arrested.
- On 20 May, 013, **Ahmad Hussein Abu Safyeh, 42 years old**, working for the PLC and his nephew **Mutaz Kamal al-Din Abu Safyeh, 23 years old**, working as journalist, died when a relative of theirs opened fire at them in clan dispute in the City of Gaza. Four other citizens were injured in the incident, including three women: Tharya Ez al-Din, 23, Maha Saed Abu Safyeh, 48, Maisa' Osama Abu Safyeh, 21, and Osama Husein Abu Safyeh, 57. The police arrived at the scene and opened investigation into the incident. A number of suspects were arrested.
- On 25 May, 013, medical sources at European Hospital in Khan Younis announced that **Nawal Fathi Najjar, 25**, resident of the Town of Khuza' died of an injury she sustained when her mother in law and sisters in law beat her. The police arrived at the scene and opened investigation into the incident. A number of suspects were arrested.

Deaths in Tunnel:

- On 2 May, 013, **Udai Sulaiman Abu Jazer, 19 years old**, resident of Rafah, died of a wound he sustained a year ago when the tunnel he was working in under Palestine Egypt border collapsed.
- On 24 May, 013, **Hamadeh Udi Abu Shaluf, 29 years old**, resident of Rafah, died in tunnel collapse under Palestine Egypt border.

Deaths due to Firearms (PA's Firearms):

- On 8 May, 013, **Khaleda Tayseer Kawazbeh**, resident of the Town of Sa'er near Hebron, died of fire bullet wounds she sustained while she was in her husband's car. ICHR learnt that Khaleda, her husband, son and daughter in law were making shopping in a store in the downtown. While they were in a dress shop, three policemen arrived at the scene to arrest her husband (Nawaf Kawazbeh). He fought off their attempt and fled by his car. The policemen who were chasing him shot fire in the direction of the car injuring and killing her. Her husband returned to the scene after (15) minutes of the incident with a gun and started shooting at the police station. Citizens gathered in the area and began throwing stones and Molotov cocktail at the police station. Several injuries of both sides were reported.

Deaths due to Negligence of Public Safety:

- On 9 May, 013, **Karam Muhammad Nimir al-Lawzi, 19 years old**, died of drowning while trying to swim in a water pool. The Israeli Police in Jerusalem suburbs picked the body of the deceased from the water pool located on the road that links Ramallah with Jericho. The Public Prosecution reported that the cause of death was drowning and no sign of criminal act was found.
- On 13 May, 013, **Muhammad Emad Awlad Muhammad, 4 years old**, resident of Dura, died of asphyxia. Public Prosecution reported that the child died when his head was stuck between the side window of his father's car and its body. The forensic medical report indicated no sign of criminal action in the case.
- On 15 May, **Muhammad Yaqub Muhammad al-Hirsh, 5 years old**, resident of the Village of al-Reehia near Hebron, died of a wall collapse. There was, according to the Public Prosecution report no criminal sign behind the incident. The wall fell due to the negligence of the owner of the house who filled the area behind the wall with sand and rocks while it is still newly built.

- On 15 May 2013, **Farah Muhammad Ibrahim Muhammad al-Hirsh, 5 years**, of Reehia village near Hebron, died of a wall collapse. There was, according to the Public Prosecution report no criminal sign behind the incident. The wall fell due to the negligence of the owner of the house who filled the area behind the wall with sand and rocks while it is still newly built.
- On 22 May 2013, **Ayed Ismael Hassan Drabe'I, 15 years**, of Dura near Hebron, died of drowning. According to the Public Prosecution report, he died of drowning in a water well.
- On 27 May 2013, **Jihad Ahmad Mirshid Ghafi, 27 years**, from the town of Yatta near Hebron, died of falling off a building while working. He passed out and got a concussion and ribs' fracture in addition to kidney bleeding. According to the Public Prosecution report, he spent (12) days in the Intensive Care Unit in al-Ahli Hospital of Hebron but succumbed to his injuries. The forensic report stated that he died due to direct injury of the lungs. The investigations showed no criminal act regarding the case.

Death Sentence:

- On 4 May 2013, the Military Court of Jenin sentenced (M.Z.N, 23) to death after convicting him of collaboration with the Israeli occupation in contravention of the Revolutionary Code of 1979.
- On 9 May 2013, the Military Court of Gaza sentenced (M.A.N, 48), from the Gaza Strip to death after convicting him of collaboration with an enemy entity in contravention of the Revolutionary Code of 1979.
- On 23 May 2013, the Military Court of Gaza sentenced (A.A, 46) to death after convicting him of collaboration with an enemy entity in contravention of the Revolutionary Code of 1979.
- On 30 May 2013, the Military Court of Gaza sentenced (Z.M.M, 63), of Gaza to death after convicting him of collaboration with an enemy entity in contravention of the Revolutionary Code of 1979.

Injury due to Firearms Misuse – Internal Explosions.

On 28 May 2013, four citizens, including (3) children were injured when an explosive device went off in a house in Jabalia Refugee Camp Northern Gaza. The injured (Ahmad al-Barsh 31, Mahmoud Ahmad al-Barsh 5, Muhammad al-Barsh 3, Manal al-Barsh 11) were all rushed to Kamal Udwan Hospital. The police arrived at the scene and opened investigation into the incident.

Summoning for investigation

- On 5 May 2013, Fayez al-Omari, 45 years old, from Bet-Lahia, community activist and Chairman of the Board of Directors of Workers Resources Center, was summoned by the Investigation Service for questioning him about hosting a Spanish delegation. The interrogator focused on the presence of a woman with thin clothes in the delegation. He instructed Omari to tell his visitors to observe modesty in their dress in accordance with Islamic traditions. He was forced to sign a paper in this respect.
- On 23 May 2013, the Internal Security Agency seized Dr. Ibrahim Abrash, lecturer at al-Azhar University and former Minister of Culture. According to his statement to ICHR, he reported to their office pursuant to a previous summon . They interrogated him about an article in which he criticizes the visit of Shiekh Qardawi to the Gaza Strip. They asked him to apologize, but he refused. They asked him to report again to their office on 26 May 2013. When he didn't report to the office on time, they arrested him from his home and questioned him for half an hour about the articles he writes.

Assault on Public Institutions, Public and Private Property

- On 12 May 2013, the car of the Mayor of Bet-lehem, Feera Baboon, was attacked. She told ICHR that she was shocked when her car which was parking near her house was attacked. The police arrived at the scene and opened investigation into the incident.
- On 19 May 2013, Dr. Naser Abdulazeez Mahmoud Shkeir, 33 years old, was attacked. He stated that three persons entered his clinic and beat him on the face and the chest. His Secretary told ICHR that when the neighbors came to intervene, the attackers escaped from the scene.

Delaying Enforcement of Courts' Rulings

- A group of the employees of the Ministry of Waqf and Religious Affairs filed a complaint against the General Personnel Bureau for refusing to enforce the Supreme Court's decision regarding their financial dues which have become due to them when they were promoted.
- The mother of Nour al-Din Sulaiman Ahmad Madani, from Nablus, filed a complaint against the Preventive Security Agency for refusing to enforce the courts decision issued on 27 May 2013 to release her son (Nour al-Din). He has been in detention since 12 May 2013, for political reasons.
- Ayub Ahmad Qawasmi filed a complaint against the Preventive Security Agency in Hebron for refusing to release him though he served the (8) months imprisonment sentence handed down to him by the Military court of Hebron. He was expected to be released in August 2011. ICHR has addressed the Head of the Preventive Security Agency in this regard but to no avail.

- Saleh Husni Abdulrahman Shubaki, held by the General Investigation Agency in Hebron, filed a complaint against the agency for refusing to enforce the court's decision to release him on a judicial bail of (JD10,000) and a cash bail of (JD 5000). He implemented the court's decision which was issued on 2 May 2013 but wasn't released. ICHR addressed the Attorney General on 27 May 2013 in this regard but to no avail.
- Abedulnasir al-Marazeeq, held by the Preventive Security Agency in Beth-lehem, filed a complaint against the Agency for refusing to enforce the Conciliatory Court's decision to release him on 23 May 2013.

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 abolition of the decision of the Ministry of Interior to form a **temporary 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 sacked 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 abolition of the decision of the Ministry of Interior to form a **preparatory preparatory committee for the management of Bet Umar Orphans' Care Society** 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 Court of First Instance 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 abolition 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 March 2013, ICHR received a complaint from Hassan Muhammad Aref Shtewi in which he 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.
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 to no avail.