



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

This report presents a comprehensive overview of the major violations monitored by ICHR during the month of July 2013 in the Palestinian controlled territory. The following are the conclusions reached by ICHR, based on the violations it monitored:

ICHR monitored during July 2013 typical violations that frequently occur on a monthly basis such as the violation of the right to life; torture and ill-treatment; negligence of sound legal procedures during detention; expropriation of citizens' property without a judicial warrant; violation of freedom of opinion, expression and peaceful assembly; assault on persons, public and private property; violation of PWDs' rights; violation of the right to hold public office and non-enforcement of courts' decisions. ICHR also monitored cases of death sentences.

- ICHR registered during July 2013 (13) death cases of which (8) in the Gaza Strip and (5) in the West Bank. Some of these cases occurred due to clans' disputes, negligence of public safety precautions and misuse of firearms. Other cases occurred under mysterious circumstances.
- ICHR monitored (29) complaints on torture and ill-treatment of which (5) in the West Bank and (24) in the Gaza Strip.
- ICHR monitored (36) cases of arbitrary detention of which (15) in the West Bank and (21) in the Gaza Strip.
- ICHR monitored issuance of death sentence in one case in the Gaza Strip.
- ICHR monitored several cases of assault on peaceful assemblies and journalists in addition to sealing off media institutions in the Gaza Strip.
- ICHR monitored cases of non-enforcement of courts' decisions in addition to keeping decisions issued previously in relation to administrative cases unimplemented.

Violations in detail:

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

ICHR monitored during July 2013 thirteen (13) death cases of which five (5) in the West Bank and eight (8) in the Gaza Strip. Five of these cases occurred due to negligence of public safety precautions of which three (3) in the West Bank and two (2) in the Gaza Strip. Five (5) other cases occurred due to clans' disputes of which three (3) in the Gaza Strip and two (2) in the West Bank. Two (2) cases occurred due to misuse of firearms in the Gaza Strip and (1) case due to tunnel related incident in the Strip, too.

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

1. Deaths due to Negligence of Public Safety Precautions:

- On 4 July 2013, **Abdul Mutalib Mousa Mahmoud Mousa, 55**, from Karyoot village near Nablus, died of falling from a fifth floor of an under construction building in the town of Betunia near Ramallah. According to the information of ICHR, the police arrived at the scene and opened an investigation into the incident. The body of the deceased has been handed over to his family for burial. No signs of criminal act have been noticed.

- On 7 July 2013, **Mahmoud Ismael Muslim, 54**, from Telfeet village near Nablus, died of falling from an under construction building (Presidential Conferences Palace) in Surda village near Ramallah. According to the information of ICHR, the police arrived at the scene and opened an investigation into the incident. The findings of the investigation showed that it happened due to negligence of public safety precautions.

- On 22 July 2013, **Atya Mahmoud Ghwear, 95**, from Za'atera village near Bethlehem, died of falling from the roof of Bet-Jala Governmental Hospital. According to the information of ICHR, the police arrived at the scene and opened an investigation into the incident. The findings of the investigations showed that the deceased, who was receiving health care in the hospital, opened the window of his floor which is close to the roof of an under construction building. He walked on it and fell down. The police said that he died due to negligence of public safety precautions and no criminal sign has been detected.

- On 23 July 2013, **Hashim Marazeeq Abu Mughesib, 8 years old**, from Der-al-Balah city, died of drowning in a water pool. According to the information of ICHR, the child fell in the farm's pool while he was playing with his peers in the area. He has been rushed to Shuhada' al-Aqsa Hospital in the city where he has been announced dead. The police arrived at the scene and opened an investigation into the incident.

- On 26 July 2013, **Omar Tawfeeq al-Luhi, 11 years**, from Rafah, died of drowning in a water pool. According to the information of ICHR, the child has been found dead in the water pool, located in northern Rafah. The police arrived at the scene and opened an investigation into the incident.

2. Deaths due to Clans' Disputes and Manslaughter.

- On 15 July 2013, **Mousa Sulaiman Audeh al-Hirsh, 33**, from al-Ezeryeh town near Jerusalem, died of stab wounds in a family dispute in the town. According to the information of ICHR, the police arrived at the scene and captured the accused. The body of the deceased has been taken to the Forensic Institute for autopsy.

- On 16 July 2013, **Najah Sulaiman Abu Shabab, 55**, from Khan Younis city, died of stab wounds to the chest. According to the information of ICHR, she has been stabbed in a family dispute in her family's home. Her children have also been injured and rushed to Nasir Hospital for treatment. The police arrived at the scene, opened an investigation into the incident and arrested the suspect for interrogation.

- On 21 July 2013, **Eyad Hassan Kutkut, 22**, from Jabalia refugee camp, died of stab wounds to the head and the back. According to the information of ICHR, he has been stabbed in a family dispute. The police arrived at the scene and opened an investigation into the incident. A number of suspects have been arrested and held for interrogation.

- On 29 July 2013, **Yahia Yousif al-Ryati, 56**, from Rafah city, died of stab wounds. According to the information of ICHR, he has been stabbed with a knife in a family dispute. He has been rushed to Abu Yousif al-Najar Hospital in the city where he has been announced dead. The police arrived at the scene and opened an

investigation into the incident. A number of suspects have been arrested and held for interrogation.

- On 30 July, **Saed Shuli**, from Sabastia village near Nablus, died of wounds he sustained when he has been abducted. According to the information of ICHR, the police received a notice about the abduction of the said citizen. They searched for him and found his vehicle burnt near the town. They also found him dumped on the ground with his hands tied. The police captured the perpetrators four hours after the occurrence of the crime. After they admitted to committing the crime, they have been referred to the competent authorities for trial. A police force entered the village to ensure security and order there.

3. Deaths due to Misuse of Firearms.

- On 12 July 2013, **Yousif Shadi Yousif Darwish, 3 years old**, from an-Nuserat refugee camp, died of a bullet wound to the head. According to the information of ICHR, the child has been shot from unknown source while playing with his friends in the space of his family's home in the camp. He has been rushed to Shuhada' al-Aqsa Hospital in Der al-Balah city, and then to al-Shifa' Hospital where he has been announced dead. The police arrived at the scene and opened an investigation into the incident.

- On 31 July 2013, **Elian Muhammad al-Tilbani, 26 years old**, from Der al-Balah city, died of a bullet wound to the head. According to the information of ICHR, he has been wounded when four masked persons armed with rifles broke into his apartment which is close to al-Awda Biscuits Factory that belongs to his family. They clashed with Elian and his father who were defending the factory to prevent them from stealing the money and the car left in the factory. Elian has been killed in the clash. The police arrived at the scene and opened an investigation into the incident.

4. Deaths in Tunnels.

ICHR documented one death case that occurred in a tunnel incident. On 21 July 2013, **Abdel Rahman Muhammad Tabasi, 25 years old**, from Khan Younis city, died when the tunnel he was using on the Palestinian Egyptian border collapsed.

5. Death Sentence.

- On 10 July 2013, the court of first instance of Khan Younis sentenced **Muhammaed Fathi Authman, 24 years**, from Rafah, to death by hanging after convicting him of intentional killing and robbery in contravention of the provisions of the Penal Law of 1936.

6. Injury due to Misuse of Firearms- Internal Explosions.

- On 20 July 2013, **Salama Muhammad Eshkanta, 20 years**, from Gaza city, has been injured when a grenade he was tampering with went off. He has been rushed to al-Shifa' Hospital in the city. The police arrived at the scene and opened an investigation into the incident.
- On 30 July 2013, (**Muhammad Nasir Abu Ebied, 20, Adham Mahmoud Abed, 32, Rajih Sulaiman Abu Ebied 39**), from Der al-Balah, have been injured with fire bullets. According to the information of ICHR, they have been injured in a dispute between citizens and workers expanding Salah al-Din Street in the area. Automatic weapons and revolvers have been used by the combatants during the dispute causing injuries to the said persons. They have been rushed to Shuhada' al-Aqsa Hospital in the city for treatment. The police arrived at the scene and arrested a number of suspects.

7. Torture during Detention- Cruel, Inhuman or Degrading Treatment.

ICHR received during July 2013 (29) complaints related to torture and ill-treatment of which (5) complaints in the West Bank and (24) in the Gaza Strip. These complaints were distributed by the authorities they were filed against as follows:

- Three (3) complaints against the Police General Investigation Department in the West Bank.
- One (1) complaint against the General Intelligence in the West Bank.
- Twenty three (23) complaints against the Police Agency in the Gaza Strip.
- One (1) complaint against the internal security.

These complaints included allegations of different forms of torture such as Shabh, punching, beating and ill-treatment.

II. Violation of the Right to due Process of Law –Including arbitrary and political detention:

ICHR received during July 2013 (15) complaints related to unlawful detention in the West Bank and (21) similar complaints in the Gaza Strip.

III. Violation of the Right to Freedom of Expression, Press and Peaceful Assembly.

- On 2 July 2013, Yousif al-Shayeb, journalist, filed a complaint with ICHR in which he claimed that a police force restricted his freedom of work on June 30 of the present year while he was photographing a citizen trying to set fire to himself in front of the Ministry of Finance in Ramallah. He stated that the police held him in the premises of the Ministry of Finance and questioned him about his work before letting him go.

- On 15 July 2015, a force of the police agency and internal security broke up a peaceful assembly held in the Unknown Soldier square in Gaza city. Activists had called for the assembly through new media outlets to protest against the Israeli law (Bravar) aimed at confiscating hundreds of dunums of the land of the Arab Bedouins in the Negev. In a statement to ICHR, some of the participants in the protest said that the police and internal security officers with plain clothes asked the protestors to end the assembly on the pretense that they did not get a license from the Ministry of Interior, though they sent three notices to the Ministry and the Police Headquarters of their plan to organize such a protest. One of these notices had been presented by (Ibraheem Tala') who was summoned by the internal security and interrogated about his participation in the protest before being released. (Yousif al-Nouri and Majid Abu Salama) were also summoned and interrogated about the same event. The assembly has been broken up by the policemen and policewomen who were present to handle women participants.

- On 16 July 2013, the Police Investigation Agency in KhanYounis summoned Hatem Abed Rabu Abu Daqah, 42 years, journalist working for Wafa News Agency, from Abasan al-Kabeera town. According to his statement to ICHR, he went to the Eastern Police Station in pursuant to a previous notice he received from them. He was interrogated about his participation in the protest organized by the citizens of Abasan village against water cut-off. He has been released after he signed a paper in which he pledged to report to the police center once he is summoned and not to encourage riot.

- On 25 July 2013, the Attorney General in the Gaza Strip issued a decision to seal off the office of the Arabiya satellite channel and the office of Maan News Agency. According to the information of ICHR, a police force went to the office of the Arabiya channel and informed its director of the decision which was due to broadcasting news and rumors that threaten community peace and cause damage to the interest of the Palestinian people. The police force asked the staff of the office to evacuate it. Concurrently, the office of Maan new Agency in Gaza received a notice from the police to close. The staff was also asked to evacuate the office.

In the same context, the Attorney General in the Gaza Strip issued a decision to close Lens Media Company in pursuance of the decision of the Council of Ministers in the Strip which prohibits any news agency from cooperating with the Israeli occupation. This company according to the statement of its Director cooperated with an Israeli satellite channel to bring some equipments and devices. ICHR issued a statement at the time in which it demanded the Attorney General in the Gaza Strip to reverse the decision of sealing off Al-Arabiya channel and Maan News Agency. It asked him to keep mass media away from partisan and political polarization.

IV. Assault on persons and Public and Private Property.

- On the first of July of the present year, the car of former MP Husam Khadir, from Nablus, was exposed to fire. The police arrived at the scene after being noticed of the event. The Police Chief of the city said that a team of the Criminal Investigation Unit started investigation into the case in order to arrest the suspects.

- On 4 July 2013, armed persons from the Drugs Control Agency and al-Qasam Brigades abducted seven citizens from the Northern Governorate of Gaza and interrogated them in unknown areas about possessing drugs (Tramadol).

According to the statement of some of the persons who were abducted, they were subjected to severe torture and were forced to confess before video filming. They were rushed to Kamal Udwan Hospital in Bet Lahia city suffering legs fractures.

ICHR issued a statement in this regard holding the government in the Gaza Strip accountable for such measures and demanded it to kick start prompt investigation into the incident in order to punish the perpetrators and redress the victims.

- On 13 July 2013, following the death of Fida' Hassasnah, more than 50 persons of her relatives attacked Hebron Public Hospital and broke the furniture of the operations theatre. They also broke the windows of the emergency room and other pieces of furniture. Furthermore, they attacked the sanitation staff, guards and threatened of beheading a doctor.

- On 26 July 2013, An-Nuserat Services Club in al-Wusta Governorate was attacked. According to the statement of the Club's Officer, a number of unidentified persons broke at the dawn into the sports room of the club and destroyed the furniture. The police arrived at the scene and opened an investigation into the incident.

- On 31 July 2013, a number of unidentified persons broke into and stole the coffer of the Health Work Committees in South Hebron. The police arrived at the scene and opened an investigation into the incident. The thieves were not identified yet.

V. Violation of the the Rights of the PWDs.

ICHR received during July 2013 (4) complaints on the violation of the rights of the PWDs, especially in regard to the right to work and accessibility to public places in addition to other health and social services and rights enshrined in the Palestinian Basic Law and the Disability Law.

ICHR maintains that the competent authorities should abide by the law which states that 5% of public jobs should be allocated to PWDs. They should start accommodation of public places to allow PWDs accessibility to these places and to social services.

VI. Complaints Relevant to the Right to Public Office, Including Salary Deductions and Security –related Dismissal.

ICHR received during July 2013 one complaint related to security clearance-based dismissal from public office. It also received another complaint related to integrated competition for employment against the Ministry of Education.

ICHR maintains that the decision of the government to cancel security clearance condition and implementation of the court's decision to reinstate all those who were sacked from their work in accordance with the provisions of the law. It demands that the criteria of recruitment should be fulfilled in accordance with the law and contravening the appropriate procedures of appointment under the pretext of security recommendations should be brought to an end.

VII. Expropriation of Citizens' Property Without a Judicial Warrant.

- ICHR received a complaint from Haitham Yousif Muhammad Warasneh in which he claimed that the General Intelligence Agency in Hebron expropriated his computer set, flash memory, CD, documents and keys of the press office he works for, i.e. Gana Company for Press and Media. They returned the keys after the intervention of ICHR.

- ICHR received a complaint from Nasir Faisal al-Badawi in which he claimed that the Preventive Security in Hebron detained him on the first of June 2013, and then released him later. He said that they expropriated his phone's memories (3) and two mobiles' SIM cards without a judicial warrant.

- On 2 April 2013, ICHR received a complaint from Mahmoud Muhammad Yousif Zamara in which he claimed that the General Intelligence Agency in Hebron expropriated his laptop, two routers, two computer sets, one mobile phone, a phone's memory and a number of CDs.

- On 7 April 2013, ICHR received a complaint from Nawal Abed Rabu Khaleel Abu Aysheh in which she claims that the General Intelligence Agency in Jericho seized from her son (Emad Abu Aysheh) who was held by them (NIS 4400).

- On 7 April 2013, ICHR received from Ibraheem Muhammad Dahir Abu Ayash, Chairman of Bet-Umar Charitable Association, in which he claimed that the Monetary

Authority seized (NIS 4105 and JD 93) from the Association account in the Arab Cairo Bank in Ramallah. ICHR addressed the competent authorities but received no response up to the time of writing this report.

VIII. Delay in Implementing Courts' Decisions.

ICHR received during July 2013 a complaint from Muhammad Radwan Yasin in which he claimed that the Supreme Court of Justice decided on 29 April 2013 to reinstate him as Mosques' Manager at the Ministry of Religious Affairs after he was moved from this post to work as a preacher with lesser payment with no legal excuse. Though ICHR addressed the Ministry in this regard, it has not implemented the court's decision yet.

In addition to that, fifteen (15) administrative court's decisions were issued during the previous months, but the executive authority has not implemented any of them.