



## Monthly Report on Violations of Human Rights and freedoms in the Palestinian Controlled Territories

August  
2013

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

- ❖ ICHR received (30) complaints of torture and ill-treatment inflicted during detention. Six of these complaints were filed by citizens of the West Bank against the Police General Investigation Department, (2) against the General Intelligence and (2) against the Preventive Security Agency. The other twenty complaints were filed by citizens of the Gaza Strip divided as (17) against the Police Agency and (3) against the Internal Security.
- ❖ ICHR received (8) complaints of assaults against journalists in the West Bank due to their coverage of peaceful marches and one (1) complaint of an assault on a University Professor in the Gaza Strip due to expressing his opinion.
- ❖ ICHR monitored (4) cases of assault on peaceful assemblies in the West Bank.
- ❖ ICHR received (88) complaints related to violation of fair legal procedures: (16) in the West Bank and (72) in the Gaza Strip.
- ❖ ICHR received (7) complaints related to non-implementation of courts' rulings in the West Bank, beside another (17) administrative rulings issued previously.
- ❖ ICHR monitored during the period covered by this report (11) complaints related to deaths due to negligence of public safety precautions, clans disputes, misuse of firearms and deaths under mysterious conditions.
- ❖ ICHR monitored issuance of a death sentence by Military Court in Gaza Strip.
- ❖ ICHR monitored a number of complaints related to personal freedoms, violation of the rights of PWDs, the right to travel and movement, violation of the right to holding public office and seizure of employees' payments without judicial order.

## **Violations in detail:**

### **1. Torture during detention, including cruel and degrading treatment.**

During August 2013, ICHR received (30) complaints of torture and ill-treatment divided as (10) in the West Bank and (20) in the Gaza Strip. These complaints were distributed as follows: (6) complaints against the Police General Investigation Department, (2) against the General Intelligence Agency, (2) against the Preventive Security Agency in the West Bank and (17) against the Police Agency and (3) against the Internal Security in the Gaza Strip. These complaints included allegations of torture ranging from Shubh<sup>1</sup>, punching, beating to ill-treatment.

### **2. Violation of Press Freedoms**

- ICHR received a complaint from Hamza Ahmad Attah Salaymah, photojournalist, working for Wattan TV. He claimed that a police force led him to the Police Station in Ramallah on 11\8\2013 and interrogated him about filming a quarrel between a security serviceman in plain clothes and three citizens. The film shows that security serviceman was shouting and warning in his capacity as a security serviceman. They forced him to delete the film before releasing him though he told them that he was fulfilling his duty as a journalist.
- ICHR received a complaint from Muhammad Abdelrahman Ibraheem Saleh, journalist, working for Trans Media Company. He claimed that the Preventive Security Agency seized him for an hour to prevent him from covering a peaceful assembly organized next to Jamal Abdunnassir Mosque in al-Bireh city on 23\8\2018 in solidarity with Muslim brotherhood in Egypt.
- ICHR received a complaint from Mahmoud Nuh Abdelazeez Hreish, a journalist working for Trans Media Company. He claimed that he was seized by the Preventive Security Agency for an hour. He added that they punched and beat him on different parts of his body to prevent him from covering the same peaceful assembly.

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<sup>1</sup> Being held in awkward or damaging positions

- ICHR received a complaint from Muaz Ziad Mousa Hamid, journalist, working for Anadolu Agency. He was harassed by the Preventive Security Agency when he attempted to cover the same peaceful assembly.
- ICHR received a complaint from Ahmad Abed al-Afew Sadeq Milhim, journalist, working for Wattan TV. He claimed that he was seized and beaten by members of the Preventive Security Agency while he was covering the same peaceful assembly. His camera was confiscated by the Agency but restored it after he deleted the footage he filmed.
- ICHR received a complaint from Waleed Muhammad Amayreh, owner and editor of al-Khaleel weekly newspaper. He claimed that the General Intelligence Agency arrested him for (2) hours on 11\8\2013 due to his work as a journalist. He was released after he deleted the footage he filmed.
- ICHR received a complaint from Abdulaleem Adbulhaleem Salaymeh, journalist, volunteering for Palestine Network for Press and Media. He claimed that he was arrested by the Special Police Force while covering the peaceful assembly organized on 16\8\2013 in solidarity with Egypt's Muslim Brotherhood. They handed him over to the General Intelligence Agency in Hebron. He was released after a few hours of detention but was asked to report to their office the following day. His camera, mobile phone and identity card were seized.

**3. Peaceful assembly:** ICHR documented during the period covered by this report a number of violations of the right to peaceful assembly and freedom of expression and opinion. Most of these cases were concentrated in the West Bank as follows:

- A number of Birzeit University students who are affiliated with the Islamic bloc organized a protest sit-in inside the campus of the university against the detention of three students detained by the General Intelligence Agency for their political activities. ICHR received complaints from three students who were summoned by the security agencies repeatedly due to their participation in the protest which lasted from 11\8 – 23\8\ 2013.

- On 16\8\2013, the security agencies in Hebron city prohibited a peaceful march organized by more than (300) people in protest against the situation in the Arab Republic of Egypt. They (Police Agency, Special Police Force, National Guard, Preventive Security and Intelligence Agency) broke up the protest by force. They beat participants and prohibited journalists from covering the event.
  
- On 19\8\2013, ICHR received complaints from Abdullah Judeh Zaidan al-Juneedi, 19, student at Hebron University, Huthaifa Fawzi Muhammad al-Khateeb, 21, and Saif al-Islam Wael Ahmad Taha, 20, student at Palestine Polytechnic University. They were all detained by the General Intelligence Agency in Hebron for participating in a march organized on 16\8 in solidarity with Egypt.
  
- ICHR received a complaint from Shar Ezzat Muhammad Dfash in which she claims that her brother Munir, 22, student at Palestine Polytechnic University, was detained by the Preventive Security Agency following the protest organized in Hebron in solidarity with Egypt. Before he was released he was given a notice to report to their office on the following day.
  
- On 20\8\2013, ICHR received a complaint from Hazim Khadir Nimir Fakhouri from Hebron. He claimed that the General Intelligence Agency searched his house in the city because he and his wife participated in the protest organized in solidarity with Egypt.
  
- On 28\8\2013, a peaceful protest was organized against the negotiations which had recently started between the PNA and Israel. While the protest was heading from al-Ersal street towards the Presidential Compound (Muqata'a) in Ramallah, a large police force and security servicemen in plain clothes stopped it and asked the participants to leave the area in violation of the right to peaceful assembly. When the participants refused the police order, they assaulted and injured many of them. ICHR received complaints from three people claiming that they were beaten because of their participation in the protest. Security servicemen in plain clothes were seen taking photos and filming the protestors. The protestors who were assaulted by the police force which was backed by members of Fatah members rejected this behavior.

- On 23\8\2013. A group of citizens organized a peaceful assembly next to Jamal Abdulnasilr Mosque in Ramallah in solidarity with Muslim Brotherhood in Egypt. Policemen and security servicemen in plain clothes broke up the assembly and attacked a number of participants. ICHR received the following complaints from the citizens who were beaten by the police due to their participation in the protest:
  - a. A complaint from Kifah Awni Authman Katash in which she claimed that a member of the security servicemen humiliated and threatened her because of her participation in the protest.
  - b. A complaint from Faraj Abdulraheem Rumanah in which he claimed that he was beaten and dragged by five security servicemen wearing plain clothes. He added that policemen also beat him with batons and members of the Preventive Security Agency held him in their vehicle for an hour.
  - c. A complaint from Jamal Muhammad Faraj Taweel in which he claimed that security servicemen in plain clothes beat him and tore his clothes to keep him away from the peaceful assembly.
  - d. A complaint from Fayez Ahmad Yousif Wardeh in which he claimed that he was beaten and dragged by security servicemen to keep him away from the peaceful assembly. He was held by them in the previous police station in Ramallah for an hour.

#### **4. Violation of the right to due process of law- including unlawful detention.**

During August 2013, ICHR received (16) complaints on violation of the right to due process of law and political detentions in the West Bank. It also received (72) complaints in which citizens of the Gaza Strip claimed that they were held for political reasons and that their right to fair trial wasn't respected.

#### **5. Procrastination and non-implementation of courts' decisions:**

- ICHR received a complaint from Muhammad Hani Saed Asi in which he claimed that he was detained by the General Intelligence Agency in Ramallah. On 6\8\2013, Ramallah Magistrates Court decided to release him on bail but the General Intelligence refused to implement the decision and transferred him to Jericho Detention Center. He is still held there on different charges.

- ICHR received a complaint from Islam Subhi Dar Mousa who is detained by the General Intelligence Agency in Ramallah. On 4\8\2013, Ramallah Magistrates Court decided to release him on bail but the General Intelligence refused to implement the decision and transferred him to Jericho Detention Center. He is still held there on different charges.
- ICHR received a complaint from Khaled Omar Hussein Anbar who is detained by the Military Intelligence Agency in Ramallah. He served his term in prison on 8\7\2013, but the Military Intelligence refused to release him. Anbar is military serviceman and he was sentenced by a competent military court. ICHR addressed the Military Intelligence in this regard but received no response.
- ICHR received a complaint from Rabei Muhammad Yousif Hamad who is detained by the Military Intelligence Agency in Ramallah. He claimed that he served his term in prison on 4\6\2013 but not released yet. He is military serviceman and he was sentenced by a competent military court. ICHR addressed the Military Intelligence in this regard but received no response.
- ICHR received a complaint from Muhammad Abdullatif Mustafa Zahran who is detained by the Military Intelligence Agency in Ramallah. He claimed that he served his term in prison on 4\6\2013 but not released yet. He is military serviceman and he was sentenced by a competent military court. ICHR addressed the Military Intelligence in this regard but received no response.
- ICHR received a complaint from Muhammad Ali Salhi, from Nablus. He claimed that he called on the Governor of the city to release his brother who was detained by the Preventive Security Agency since 9\7\2013. He added that he addressed the Governor after Nablus Magistrates Court decided to release his brother on 22\7\2013 on bail but the decision went unimplemented under the pretext that he was detained upon a decision taken by the Governor.

- ICHR received a complaint from the mother of Mahmoud Audeh Audeh, from Balata refugee camp in Nablus. She claimed that her son who has been detained by the Preventive Security Agency since 5\7\2013 was not released though Nablus Magistrates Court decided to release him on 4\8\2013.

It is worth mentioning that (16) administrative decisions issued by the Palestinian courts during the previous months haven't been implemented yet.

**6. Death cases:** ICHR monitored during August 2013 (11) death cases in the West Bank divided as follows: Five (5) cases occurred due to negligence of public safety precautions, three (3) cases occurred due to clans disputes, one case (1) due to misuse of firearms and two (2) occurred under mysterious conditions.

The following provides more detail on death cases:

**A. Deaths due to negligence of public safety precautions:**

- On 2\8\2013, **Ahmad Samur Harfush, 23**, from Kharbetha al-Misbah village near Ramallah, died of severe burns caused by a fire in his family's house in the village. According to ICHR's information, the police arrived at the scene and opened investigation into the incident. The findings of the investigation showed that the fire broke out due to gas leakage from the as cylinder.
- On 13\8\2013, **Muhammad Ali Muhammad Abu Aram, 19**, from Yatta town near Hebron, died of falling off a height while working in the construction project of Jalazun School in the Governorate of Ramallah. The police arrived at the scene and opened investigation into the incident. The findings of investigation showed that he fell due to negligence of public safety precautions. It is worth mentioning that the project is being implemented by UNRWA.
- On 18\8\2013, **Saleh Muhammad Ali Nagadi, 22**, from Yatta town near Hebron, died when a big sewage pipe fell on him while working in a street of

Rawabi city near Ramallah. According to the information of ICHR, police arrived at the scene and opened investigation into the incident.

- On 19\8\2013, **Khaled Muhammad Ramahi, 13**, from Jalazun refugee camp near Ramallah, died of drowning in a swimming pool near the camp. The police investigation showed that he died of drowning due to negligence of public safety precautions.
  
- On 20\8\ 2013, Ayah Nasir Ahmad Awawdeh, 8, from Samu' town near Hebron died of drowning in a water tank near her family's home. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The investigation findings showed that the incident happened due to negligence of public safety precautions.

**b. Deaths due to clans' disputes and manslaughter:**

- On 8\8\2013, **Mahmoud Lutfi Jabarin, 85**, from Taiba village near Jenin died of multiple stab wounds to different parts of his body in a family dispute. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.
  
- On 18\8\2013, **Ibraheem Khaleel Hikmat Asi, 24**, from Balata refugee camp near Nablus, died of multiple stab wounds in a family dispute. The police arrived at the scene and arrested the suspect.
  
- On 18\8\2013, **Haitham Abu Mustafa, 18**, from Balata refugee camp near Nablus, died of multiple stab wounds in a family dispute the police arrived at the scene an arrested the suspect.



**c. Deaths due to misuse of firearms:**

- On 27\8\2013, **Amgad Audeh, 23**, from Askar refugee camp near Nablus died of a bullet wound while standing near his house in the camp. According to official sources, while the security forces were arresting a person on charges of possessing a weapon, they were exposed to firing from different alleys of the camp. The shot warning bullets in the air, in return and left the camp. After their departure of the camp, Audeh was found dead there. Investigation is still underway.

**e. Deaths under mysterious conditions:**

- On 19\8\2013, **Hani Khaleel Mousa Ka'abneh, 40**, from Bir Nabala town near Jerusalem, died of severe bleeding. According to the information of ICHR, he was found bleeding near Qalandia checkpoint. The medical report indicated that his leg was mutilated and left bleeding. Medical teams conducted several operations for him to save his life but of no avail.
- On 7\8\2013, **Jawad Emran al-Qawasmeh, 60**, from Hebron, died of bullet wounds. The police arrived at the scene and opened investigation into the incident. The findings of the investigation showed that the deceased who was working as money changer was shot and his money was stolen by a group of persons while standing near his house in the suburb of Abu Ekteelah in the city. The President of the PNA ordered formation of an investigation committee to investigate into the incident. Investigation is still underway.

**7. Death sentence:**

On 27\8\2013, Basem Musib Hanuneh, 57, from Gaza city, was sentenced to death by fire squad by Gaza Military Court, after being convicted of collaboration with an enemy entity and complicity in violation of the Palestinian revolutionary code of 1979. It is noteworthy that his sentence can be appealed.

## **8. Injury due to misuse of firearms-including internal explosions:**

- On 27\8\2013, Muhammad Abdulkareem al-Tarshawi, 17, from Nuseirat refugee camp in Gaza, sustained shrapnel wounds when a hand grenade went off while he was tampering with near his house. He was rushed to al-Shifa' Hospital in Gaza. His condition was described as serious and his fingers were amputated. The police arrived at the scene and opened investigation into the incident.
- On 30\8\2013, Nidal Ziad Ashur, 19 and Arafat Muhammad al-Astal, 25, from Bani Suheila town near Khan Younis, sustained bullet wounds to the abdomen while persons driving motorcycles were chasing each other in the town. The police arrived at the scene and opened investigation into the incident.

## **9. Violation of the right to freedom of opinion and expression.**

On 26\8\2013, the internal security in the Gaza Strip summoned Khadir Atyah Mihgiz, 61, from Jabalia Northern Gaza, author and literary figure. He was interrogated about his articles and press interviews. According to his statement to ICHR, he was hooded and subjected to humiliation and ill-treatment during interrogation. Following intervention by mediators and by the Minister of Interior who wasn't informed of his detention before, he was released.

## **10. Assault of personal freedoms.**

On 9\8\2013, the internal security started a campaign that lasted till the end of August during which it summoned tens of Fatah activists in the different governorates of the Gaza Strip. They were all interrogated about their writings on social media and "Tamarod" Movement. The majority of them were released while a few are still in detention. ICHR issued a statement in this regard and warned of the repercussions of such measures on human rights.

### **11. Violation of the rights of PWDs.**

ICHR received (33) complaints during the period covered by this report. These complaints are related to violation of the rights of PWDs; especially the right to work and access to public places and other health and social services enshrined in the Palestinian basic law and Palestinian disability law.

ICHR maintains that the official authorities should abide by the provisions of the law with respect to allocating 5% of jobs at every public institution for PWDs. They should also start to accommodate public place to render them accessible to PWDs and also give them access to social services.

### **12. Violation of the right movement and transportation.**

On 19\8\2013, the police force stationed near Bet-Hanun crossing stopped Zakaryeh Ibrahim al-Agha, 73, from Gaza, member of Fatah Central Committee, and prohibited him from travelling to Ramallah for political reasons. On 21\8\2013, they lifted the ban imposed on him.

### **13. Seizure of citizens' money without a judicial warrant.**

- On 20\8\2013, ICHR received a complaint from Hazem Khadir Nimir Fakhouri, from Hebron, in which he claimed that the General Intelligence Agency expropriated his CDs (2), computer's memory (2) and special documents (3).
- ICHR received a complaint from Haitham Yousif Warsneh in which he claimed that the General Intelligence expropriated his computer set, CDs and the keys of his office, knowingly he is working for Jana Company for Media and Journalism. They returned the keys to him after ICHR's intervention.
- ICHR received a complaint from Nasir Faisal al-Badawi in which he claimed that the Preventive Security Agency in Hebron detained him on the first of June of the current year and released him later. They also expropriated his phone's memory, and car's pump without a search warrant. Similar problems were not resolved.

- On 2\4\2013, ICHR received a complaint from Mahmoud Muhammad Yousif Zamarah in which he claimed that the General Intelligence Agency in Hebron expropriated his laptop, PC, 2 router, I mobile phone and 2 CDs.
- On 7\4\2013, ICHR received a complaint from Nawal Abed Rabu Abu Aisha in which she claimed that the General Intelligence Agency in Jericho expropriated (NIS 4400) belonging to her son (Emad) who was detained by the Agency.
- On 7\4\2013, ICHR received a complaint from Ibraheem Muhammad Abu Aiash, Chairman of the Administrative Committee of Bet Omar Charity, in which he claimed that the Monetary Authority seized ( NIS 4105 and 93 dinars) from the account of the Charity at the Arab Cairo Bank in Ramallah. ICHR addressed the relevant authorities but received no response until the time of writing this report.