



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

October  
2013

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

- ICHR monitored (14) unnatural death cases, (12) of which occurred in the West Bank and (2) in the Gaza Strip. Most the death cases that occurred in the West Bank this month are attributed to negligence of public safety precautions. That's why seven cases of child death were among these cases. Death sentences were also executed this month in the Gaza Strip.
- ICHR monitored a number of complaints on the violation of freedom of movement, particularly in the Gaza Strip.
- ICHR received (20) complaints of torture and ill-treatment, (4) of which were in the West Bank and (16) in the Gaza Strip. These complaints were filed against the police service in the West Bank and against the internal security and the police service in the Gaza Strip.
- ICHR received (8) complaints of non-implementation of courts' decisions in addition to (16) administrative decisions issued long ago.

### Violations in detail:

#### I. Violation of the right to life and physical safety:

During the period covered by this report, ICHR monitored (14) death cases of which (12) occurred in the West Bank and (2) in the Gaza Strip. As for the cause of death, these cases were distributed as follows: (10) cases occurred in the West Bank due to negligence of public safety precautions and (1) case due to clan disputes in the Gaza

Strip. Two (2) other cases occurred in the West Bank under mysterious conditions. And, one (1) death sentence was executed in the Gaza Strip.

**The following provides more detail on the death toll during October 2013:**

**1. Deaths due to negligence of public safety precautions.**

- On October 2, 2013, **Adham Awni Sleat, 21 years old**, from Noor Shams refugee camp in Tulkarem, died of falling from the fourth floor of a building under construction at al-Ghadeer suburb, North Ramallah. A medical source at Ramallah Hospital said that the construction worker was announced dead at the emergency section of the hospital. The police opened investigation into the incident.
- On October 8, 2013, **Muhamad Hussein Assaf, 21 years old**, from al-Jeeb village near Jerusalem, died of an injury he sustained when a wall fell on a number of construction workers in Ber-Nabalah North West Jerusalem. The wall collapsed due to negligence of professional safety precautions. According to the information of ICHR, the dead was transported to Palestine Medical Complex where he was announced dead. Three other workers were injured in the same accident. The police arrived at the scene and opened investigation into the incident.
- On October 17, 2013, **Rama Muhammad Hassan Fatafta, Tuqa Ziad Hassan Fatafta, Sarah Ziad Hassan Fatafta, Nurseen Muhammad Hassan Fatafta and Nadeen Muhammad Hassan Fatafta, aged between 2 and 5 years old**, from Tarqumia village near Hebron, died of asphyxia in a vehicle belonging to their family. According to the information of ICHR, the children were locked in the vehicle the windows of which were black, and so difficult to see people inside. The police arrived at the scene and opened investigation into the incident. The Public Prosecution is still investigating into the case.
- On October 25, 2013, **Nayef Bassam Abdullah Abu Shama, 39 years old**, from Jalazun refugee camp near Ramallah, died of an electric shock while fixing the electric network in Silwad town. The police arrived at the scene and opened investigation into the accident.

- On October 25, 2013, **Elias Issa Ali Masalmah, one and a half years old**, from Beit Awad village near Dura in Hebron, died of drowning. According to the information of ICHR, the child died of drowning in a water bucket. She was transported to the clinic of the town but to no avail. The police arrived at the scene and opened an investigation into the incident.
- On October 31, 2013, **Nimir Jalal Ibraheem al-Najar, 3 years old**, from Hebron died of falling in a washing machine. According to the information of ICHR, the police arrived at the scene and opened an investigation into the incident. The medical report stated that the child died of asphyxia due to negligence of public safety precautions.

## **2. Deaths due to family disputes and manslaughter:**

- On October 2, 2013, **Tahir Muhammad Jibreel, 25 years old**, from al-Bureig refugee camp in the Gaza Strip died of stab injury with a sharp tool. According to the information of ICHR, he was stabbed in a family dispute. The police arrived at the scene and opened investigation into the incident. A number of suspects were put under arrest.

## **3. Deaths under mysterious conditions:**

- On October 3, 2013, **Aysha Hassan Ali Abdulfatah, 41 years old**, from Ramallah died of falling from the rooftop of her house. According to the information of ICHR, the police arrived at the scene and opened an investigation into the incident.
- On October 6, 2013, **Dia' Jamal Aiseh, 9 years old**, from Sanur village near Jenin was found dead on the road leading to the village. According to the information of ICHR, the cause of his death remained unknown. The police arrived at the scene and opened an investigation into the incident.

## **Death sentence:**

- On October 24, 2013, the Court of First Instance of Khan Younis sentenced Yousif Muhammad Abu Shamleh, 26 years old, from al-Bureig in the Gaza Strip, to

death by hanging after convicting him of deliberate murder in contravention of the Palestinian Penal Code of 1936. The sentence is appealable.

- On October 28, 2013, the Court of Appeal of Gaza upheld the death sentence issued by the Court of First Instance of Khan Younis on October 7 of the same year against Muhammad Fathi Uthman, 24, from Rafah was convicted of murder and theft in contravention of the Palestinian Penal Code of 1936. The sentence is appealable.
  
- On October 2, 2013, **Hani Muhammad Abu Elian**, 28 years old, from Khan Younis was executed in the police premises. The Khan Younis Court of First Instance convicted him for murder and rape on May 26, 2010 in contravention of the Palestinian Penal Code of 1936. The Court of Appeal in Gaza upheld this sentence on September 16, 2012 and by the Court of Cassation on July 14, 2013. The implementation of death sentences without endorsement by the President of the PNA constitutes a contravention of provisions in Palestinian law.

#### **4. Torture during detention – cruel and degrading treatment.**

**ICHR** received during the period covered by this report (20) complaints of torture and ill-treatment of which (4) in the West Bank and (16) in the Gaza Strip. These complaints were filed against the police agency in the West Bank and against the Internal Security Agency and Police Agency in the Gaza Strip, (14) and (2) respectively.

**These** complaints included allegations of different patterns of torture including punching, beating, Shabh<sup>1</sup> and ill-treatment.

## **II. Violation of the right to due process of law.**

**ICHR** received during the period covered by this report (39) complaints of arbitrary and political detention. In the Gaza Strip, (56) complaints were received on violations involving the right to fair trial, political detention and separation of prisoners.

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<sup>1</sup> Standing in a difficult condition for a long time.

### **III. Violation of the right to freedom of expression, press and peaceful assembly.**

- On September 26, 2013, **ICHR** received a complaint from Fayez Muhammad Ismael al-Sweti, working for the Ministry of Local Government, from Hebron. He claimed that he expressed his opinion on his Facebook page about the problems faced by the MoLG. He added that he addressed the senior officials of the Ministry concerning these problems but to no avail. On June 2, 2013, a disciplinary investigation committee was formed and on September 9, 2013, deciding to force him to retire for expressing his opinion.
- On October 30, 2013, the police beat Ahmad Emad Deeb, a journalist working for the Italian News Agency. He stated that a number of policemen attacked him while covering the release of Palestinian prisoners from Israeli jails near the Bet-Hanun crossing. They broke his mobile phone and camera. He suffered severe injury and received hospitalization in the Balsam Military Hospital in Beit-Lahia. On the following day, he filed a complaint with the police security agency in Gaza and another with the Ministry of Information.
- On October 31, 2013, the General Investigation Unit banned a ceremony for the selection of the queen of the survivors of breast cancer. The Program of Hope and Aid ceremony was organized for cancer patients. According to the information of ICHR, the ceremony was expected to be held in the Rutis Restaurant in Gaza city to raise women's awareness about breast cancer. The police banned the ceremony without mentioning any reasons.

### **IV. Assault on personal and academic freedoms.**

- On October 6, 2013, ICHR received a complaint from Mahmoud Abdullah Khalaylah, the father of Muhammad Khalaylah, from Samu' town near Hebron. He claimed that the preventive security agency in Hebron summoned his son and interrogated him about students' activities at the University of Hebron.

- A number of the Islamic Bloc students at Palestine Polytechnic University in Hebron held a sit-in on October 7, 2013 protesting political detention. On October 10, a press conference was held in the presence of members of the PLC. The students affiliated with the Islamic Bloc talked during the press conference about the security forces attacking them and banning their activities. On October 22, the spokesman of the protesters informed ICHR that they suspended the protest in response to tribal reconcilers' intervention. They promised the students that the security forces won't chase them for their activities and would release the ones held in a week.

ICHR followed up this file with the competent authorities to solve the problem. It also received a number of complaints from students held by the preventive security and intelligence agencies. Additionally, it helped ease families' visitation to their sons.

- On October 27, 2013, ICHR received a complaint from Muhammad Khaled Bujeh from Beth-Lehem in which he claimed that the preventive security detained his brother, Hamza Khaled, who is a senior student at the Faculty of Law in Palestine al-Ahliya University.
- On October 21, 2013, ICHR received a complaint from Issa Khaleel Ahmad Hadia, 37 years old, from Bethlehem. He claimed that he was harassed by the Anti-Drugs Police and subjected to a strip-search four times, the last one of which was on October 20, 2013. He was also forced to sit in a difficult position. He was released after (4) hours of detention. ICHR addressed the competent authorities to address the issue.

On October 22, 2013, **ICHR** received an answer to a complaint filed by Ismael Ibrahim Abu Zaheera, a lawyer, in which he claimed that he was subjected to strip-search on June 11, 2013. A response was received from the Bar Association attached with a letter from the Head of the High Judicial Council, Mr. Fareed al-Galad. The investigation into this case showed that he was illegally searched without any evidence of his involvement in any illegal act.

ICHR maintains that the authorities should abide by the law and respect human rights during detention, arrest, or search and that they should

implement the due process of the law. It emphasizes at the same time that criminals should be punished according to the law.

- On October 19, 2013, the General Investigation Agency arrested tens of Fatah-affiliated citizens from different Gaza governorates. According to their statement to ICHR, they were held at police cells and interrogated about the activities of the "Tamarod" movement. They added that they were beaten and affronted. They were also forced to sign a paper whereby they pledge not to incite against the Gaza government. Some of them were released after two days of detention while others are still in detention up to the moment of writing this report.

## **VI. Assault on persons, public and private property:**

- On October 3, 2013, a fire broke out in al-Hawooz Police Center and a number of vehicles were burnt. The police opened an investigation into the accident.
- On October 21, 2013, an explosion occurred in al-Sabarah Café shop in the Jabalia refugee camp in Gaza. The owner of the café shop said that the explosion caused extensive physical damage. The police arrived at the scene and opened an investigation into the incident. The police report suggested that the explosion occurred when an explosive grenade, planted near the eastern wall of the café shop went off.
- On October 25, 2013, an explosion occurred in a car belonging to Ibrahim Daghman from Jabalia refugee camp Northern Gaza when an explosive grenade, planted under the car near his house, went off. The car was heavily damaged and the windows of the nearby houses were shattered. The police arrived at the scene and opened investigation into the incident. The owner of the car is affiliated with al-Nasir Salah al-Din Brigades.
- On October 28, 2013, a joint security force broke into the Women's Works Center of Jenin refugee camp without a search warrant. They

searched the center and broke six of its doors and a cupboard. The administration of the center filed a complaint with ICHR demanding the competent authorities to investigate into the incident and hold the officials involved in this incident accountable.

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

During the period covered by this report, **ICHR** received (25) complaints of violations of the rights of PWDs, especially those related to adapting public places to allow PWDs' accessibility as well as other health and social security related rights in addition to the rights enshrined in the Law of Disability and the Palestinian basic law.

## **VII. Violation of the right to movement and travel.**

- On October 7, 2013, ICHR received a complaint from Numan Yakub Eskafi, from Hebron, in which he claimed that the preventive security held him for five successive days for his political affiliation. He added that they asked him to report to their office on certain times refusing to give him his identity card. ICHR addressed the preventive security in this regard.
- On October 2, 2013, the administration of Rafah crossing banned (65) citizens of the Gaza Strip from leaving for the pilgrimage. ICHR learned that they made this decision due to differences between the Ministries in Gaza and Ramallah.
- On October 2, 2013, ICHR received a number of complaints from (Ismael Thawabteh, Hasssan Duhan, Shareef Naireb, Ahmad al-Mighazi, Samir Mahar and Hassan Abu Rukbeh) in which they claimed that they were prohibited by the administration of Rafah crossing from leaving Gaza to accompany the pilgrims to Saudi Arabia due to differences between the Ministries of Endowment in Ramallah and Gaza.
- On October 3, 2013, the internal security prohibited Amal Tawfeeq Hamad, 51 years old, member of Fatah Central Committee from Bet-Hanun in Gaza Strip, from travelling to Ramallah to attend a Fatah meeting. She added that the police at the crossing informed her of the decision of the internal security not to let her through.



- On October 21, the internal security prohibited Munir Juma al-Minirawi, a 39-year-old journalist and member of PJS, from travelling to Egypt to continue his master degree program at Cairo University. He was summoned and interrogated about his links with Muhammad Dahlan. He was also asked to report to their office in Gaza City.
- In October, ICHR received a complaint from Hatem Mahmoud al-Ashqar, 47, from Bet-Lahia refugee camp in Northern Gaza, former preventive security officer, in which he claimed that he was prohibited from travelling to Egypt for political reasons.
- In October, ICHR received a complaint from Muhammad Talal Abu Saif, 30, from Jabalia refugee camp Northern Gaza in which he claimed that he was prohibited from travelling to Egypt to continue his study since September 30, 2013.
- In October, ICHR received a complaint from Hussein Ahmad Abu al-Enin, 60, from Rafah refugee camp, in which he claimed that he was prohibited from travelling to Egypt to accompany his 4-year-old daughter, Fatma, for treatment at Cairo Hospital. She was suffering a problem with her leg.

### **VIII. Non-implementation of courts' decisions.**

During the period covered by this report, **ICHR** received (8) complaints of non-implementation of courts' decisions:

- ICHR received a complaint from Atef Abdulazeez Khaleel Hameed, security serviceman, detained by the Military Intelligence in Ramallah. He claimed that he served his term in prison on October 10, 2013 but was still held until the time of writing this report.
- On October 31, 2013, ICHR received a complaint from Rwaida al-Ezeh, mother of Thaer al-Ezeh, in which she claimed that her son Ahmad was brought on October 10, 2013 before the Bethlehem Court of First Instance. The court decided to release him on a bail of (JD 500). She added that they paid the bail but the police agency refused to execute the court's decision under the pretext that his arrest was upon a decision by the governor.

- ICHR received a complaint from Mamun Muhammad Ramadan Edies, arrested by the General Intelligence Agency in Hebron since 1-10-2013, in which he claimed that the Magistrate Court of Hebron decided to release him on 10-10-2013 on bail of (JD 1000) and a criminal bail of another (JD 1000). They paid the bail but the decision was not implemented.
- ICHR received a complaint from Musa'ab Akram Ragab Abu Shkhiedim, arrested since September 9, 2013 by the GIA in Hebron. He claimed that the Magistrate Court of Hebron decided to release him on October 10, 2013 but the decision was not implemented.
- ICHR received a complaint from Saleh Aref Saleh Radad claiming that he is entitled to financial dues for 10 years of work in compliance with the decision issued by the Palestinian Court of Cassation on 24-1-2010. This decision was not implemented yet. ICHR addressed the competent authorities but received no answer up to the time of writing this report.
- ICHR received a complaint from Hassan Mousa Theeb Ararawi, demanding that the competent authorities implement the decision of his release issued by the Magistrate Court of Nablus on 23-10-2013. He was detained arbitrarily on 24-9-2013 upon a decision issued by the Governor of Jenin. He is still held in Nablus CRC.
- ICHR received a complaint from Rami Salem Huda Sa'di in which he demands that the competent authorities implement the decision issued by the Magistrate Court of Nablus on 23-10-2013. He was detained on 24-9-2013 arbitrarily upon a decision issued by the Governor of Jenin. He is still held in Nablus CRC.
- The competent authorities have not implemented another (16) administrative decisions issued long ago by the Palestinian courts in the West Bank.