



Monthly Report on Violations of Human Rights and Freedoms in The Palestinian Controlled Territory November 2013

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

- ICHR monitored (7) cases of death during the period covered by this report, (6) of which occurred in the West Bank and (1) in the Gaza Strip. As for the cause of death, they were distributed as follows: Five (5) cases occurred due to negligence of public safety precautions, divided as (4) in the West Bank and (1) in the Gaza Strip; one (1) case occurred due to family dispute; and another one (1) case occurred under mysterious circumstances in the West Bank.
- ICHR documented two death sentences in the Gaza Strip. The Court of Appeal upheld the first and the second was issued by court in absentia.
- ICHR received (38) complaints of torture and ill treatment during detention, (6) of which were from citizens in the West Bank and (32) from citizens in the Gaza Strip. These complaints were distributed by agencies as follows: In the West Bank, (5) complaints were made against the Police Agency and (1) against the Preventive Security Agency. In the Gaza Strip, (24) complaints were made against the Police Agency and (8) against the Internal Security.
- ICHR received (100) complaints of the violation of the right to due process of law, (37) of which were in the West Bank and (63) in the Gaza Strip.
- ICHR documented (8) cases of assault on the freedom of opinion and expression and the freedom of press and peaceful assembly. These complaints were divided as (4) in the West Bank and (4) in the Gaza Strip.
- ICHR documented (5) cases of assault on persons and public and private property, (3) of which were in the West Bank and (2) in the Gaza Strip.
- ICHR received (8) complaints of violations of the right of PWDs, especially the right to work and access to public places.
- ICHR received (7) complaints in the West Bank of appropriation of citizens' property with

أُنشِئت 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: 2986958 / 2960241 / 2987536 972 2 2987211 ، ص.ب. 2264 ، فاكس: 972 2 2987211

مكتب الشمال : هاتف: 972 9 2335668 فاكس: 972 2335668

مكتب الجنوب : هاتف: 972 2 2750549 ، 0097222295443 فاكس: 0097222211120 / 00972222746885

مكتب غزة : هاتف: 0097282824438 فاكس: 0097282845019

no judicial warrant.

- ICHR received one complaint of non-implementation of courts' rulings, in addition to (16) other rulings issued previously.

Violations in detail:

I. Violation of the Right to Life and Physical Safety

ICHR monitored (7) cases of death during the period covered by this report, (6) of which occurred in the West Bank and (1) in the Gaza Strip. As for the cause of death, they were distributed as follows: Five (5) cases occurred due to negligence of public safety precautions, divided as (4) in the West Bank and (1) in the Gaza Strip; one (1) case occurred due to family dispute; and another one (1) case occurred under mysterious circumstances in the West Bank.

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

1. Deaths due to negligence of public safety precautions.

- On November 10, 2011, **Ryan Ayman al-Daghma, 8**, from Abasan al-Jadeeda town, in the vicinity of Khan Younis, died of a wound he sustained when a steel door fell on him. The child was going home when the door fell on him near a farm belonging to one of his neighbors. He was rushed to hospital but succumbed to his wound. The police arrived at the scene and opened investigation into the incident.
- On November 10, 2013, **Abdulrahman Rabah Muhammad al-Hieh, (1.5)**, from Sureef village in the vicinity of Hebron, died of drowning in a water barrel at his family's home. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident.
- On November 19, 2011, **George Jamal Audeh Qura'h, 21**, from Bethlehem, died of an injury he sustained when he fell off the fourth floor of his house in the city. He was rushed to hospital but succumbed to his injury. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The Public Prosecution Service ordered autopsy of the body of the deceased to reveal the cause of his death. It reported that the incident occurred due to negligence of public safety precautions.
- On November 25, 2011, **Mahmoud Abdullah Salameh, 33**, from Bidya town in the vicinity of Salfeet, died of asphyxia when a sand hole collapsed over him. According to the information of ICHR, the hole caved while he was digging in the sand, trapping him underneath. The police arrived at the scene and opened investigation into the incident.

Their report stated that the incident happened due to negligence of public safety precautions.

- On November 26, 2011, **Dawoud Yasin al-Gamal, 46**, from Hebron, died of drowning in a pool of water at a quarry in the industrial town of Hebron. According to the information of ICHR, the police arrived at the scene and opened investigation into the incident. The case was referred to the Public Prosecution Service. It ordered autopsy of the body of the deceased to discover the cause of his death. The forensic findings showed that there was no criminal act behind the incident.

2. **Deaths in family disputes:**

- On November 3, 2013, **Bilal Talal Muhammad Idies, 25**, from Hebron, died of multiple stab wounds. According to the information of ICHR, the deceased was stabbed by one of his relatives with a screwdriver. The police arrived at the scene and arrested the perpetrator and handed him over to the public prosecution for investigation.

3. **Deaths under Mysterious Circumstances:**

- On November 31, 2013, **Muhammad Atyah Azzam, 18**, from Ateel village in the vicinity of Tulkarem, died from falling off the roof of a water repertoire near the house of his family. He was rushed to Thabet Thabet Hospital in the city but succumbed to his injury. The Public Prosecution opened investigation into the incident.

4. **Death Sentence**

- On November 12, 2013, the Court of Appeals upheld a death sentence issued by the Court of First Instance of Khan Younis against (R.A.A), 39 years old, from the city of Deir al-Balah in al-Wusta governorate. The court issued this sentence on 27\2\2006 after convicting the accused of deliberate murder in contravention of the Palestinian Penal Law of 1936. On 18\11\2009, the Court of Appeals in Gaza upheld the court's decision for the first time. On 2\3\2011, the Court of Cassation in Gaza rejected the appeal and referred the case to the Court of Appeals. On 12\11\2013, the Court of Appeals upheld the above referenced decision for the second time.
- On 13\11\2013, the Court of First Instance in Gaza issued a death sentence in absentia against (A.D), 26 years, from al-Zaitun neighborhood in Gaza city after convicting him of deliberate murder in contravention of the Palestinian Penal Law of 1936. This sentence is appealable.

5. **Torture during detention/cruel and degrading treatment.**

ICHR received (38) complaints of torture and ill-treatment during the period covered by this report, (6) of which were in the West Bank and (14) in the Gaza Strip. They were distributed in the West Bank as follows: (5) complaints against the Police Agency and (1) case against the Preventive Security Agency. In the Gaza Strip, (32) complaints were received, (24) of which were against the Police Agency and (8) against the Internal Security Agency.

These complaints included allegations of different patterns of torture including punching, beating, Shabh¹ and ill-treatment.

II. Violation of the right to due process of law – including arbitrary and political detention.

ICHR received thirty-seven (37) complaints of inappropriate detention procedures during the period covered by this report. These complaints included allegations of arbitrary and political detention.

In the Gaza Strip, ICHR received (63) complaints of the violation of the right to fair trial guarantees “inappropriate detention procedures, in separation of inmates and political detention”.

III. Violation of the freedom of opinion, expression, press and peaceful assembly.

- The Internal Security and the General Investigation Agency in Gaza summoned and held dozens of citizens (names are available at ICHR) of the different Gaza Strip's governorates since 18/11/2013 for their political affiliation. According to their statements to ICHR, they were held in the facilities of the security agencies and questioned about their activities in the Fateh Movement and "Tamarud". They added that they were questioned about their preparations for commemorating the anniversary of the death of the late Palestinian President, Yasser Arafat. They were asked to sign a document, obliging them to not participate in any Fateh Movement activities, gather or incite against the government in Gaza Strip.
- On 10\11\2013, George Carlos Qanawati, 29, journalist, from Bethlehem, was held by the Police Agency for a program, named "May My Country Be Blessed", which he presents at Bethlehem 2000 Radio station. The city's police chief filed a complaint with the public prosecution against him. When the policemen arrested him, they beat him and his mother and treated them cruelly. He was released the following day. His case is being considered by the judiciary.
- On 12\11\2013, a force of the security agencies in Gaza broke up a peaceful protest organized on a weekly basis by women's organizations and the General Union of the Palestinian Women, demanding an end to the political division and reconciliation. According to the statement to ICHR from Iktimal Ahmad, member of GUPW, the security personnel asked the protesters to cancel the protest because of the emergency state, and began to prevent women from gathering. ICHR also learnt that the police asked the public transportation service to not transport participating women to the location of the protest in Gaza city.

¹ Standing in a difficult condition for a long time.

- On 13\11\2013, Shaban Mahmoud Meemeh, 40, cameraman for al-Arabya Satellite Channel, from Gaza city, was kidnapped from his home under arms threat. According to the information of ICHR, he was held by unknown persons and forced to call his family to bring the key of the garage of the Channels' transmission vehicle. They took over the vehicle and released him. Shaban filed a complaint with the Police Agency and they opened investigation into the incident. The Media Office of the Ministry of Interior issued a statement, condemning the incident.
- On 13\11\2013, ICHR received a complaint from Sami Saed Abed al-Sae', correspondent of Wattan TV. He stated that the Preventive Security Agency in Tulkarem summoned and held him on 12\11\2013 in a solitary cell late into night. "They interrogated me about my work for Wattan TV", he added.
- On 19\11\2013, the Public Prosecution Office in Bethlehem summoned Eyad Nimir Abdel Qadir Maghribi, a journalist working for "AP", based on a complaint filed by the Governor of Bethlehem against him for a statement he posted on his facebook page. The PP is still considering his case.
- On 30\11\2013, a force of the Police Agency broke up a peaceful protest organized by dozens of people in the Unknown Soldier Square in Gaza City against the "Prawer" colonial project, which aims to Judaize the Negev. According to the statements of some of the protesters to ICHR, four people (Ahmad Adeeni, Rami Mihsin, Ahmad Ghalban, Ahmad Abu Wardeh) were held in the police facility but released later in the day. The Internal Security also summoned Ibraheem al-Tala' and questioned him about his participation in the protest. Other participants of the protest informed ICHR that that they had notified the police of their intention to organize the protest in accordance with the law, but the police rejected this without saying why.

IV. Assault on Persons, public and Private Property

- On 2\11\2013, Unknown persons shot and injured Sami Hisham al-Rukh, 16 years old, from Jenin refugee camp. The police arrived at the scene and started an investigation into the incident. It is worth mentioning that Sami's father who was a senior Preventive Security officer who was killed last year in Jenin.
- On 11\11\2013, Ala' Nafiz Abu Shamaleh, counsel member, 29, from Rafah, was exposed to gun fire by two motorcyclists while driving his car near the police station in Tel-as-Sultan neighborhood to the west of Rafah. The car was damaged but he was able to survive the attempt on his life. The police arrived at the scene and opened investigation into the incident.
- On 11\11\2013, Ameer Hawamesh, from Nablus, suffered a severe head injury by unknown persons firing arms at him. His condition was described as critical. According to the information of ICHR, three armed persons driving a vehicle at midnight shot at Hawamsheh after a bickering with him. The police arrived at the scene and opened

investigation into the incident. The perpetrators were arrested and referred to the judicial authorities.

- On 14\11\2013, a person disguised as a counsel member was able to get inside the courtroom in Nablus with a pistol and fired at defendant "Muhammad Hafnawi" inside the court. According to the information of the court, four shots were fired in the direction of Fahmawi while in the dock, causing him minor injury. He was rushed to hospital for treatment. The police arrested the perpetrator and handed him over to Public Prosecution.
- On 19\11\2013, unknown persons fired at the car of Sufian Abu Zaydeh, member of the Fateh Revolutionary Council. Police sources confirmed that this incident happened on Tuesday 19\11\2013 while his car was parking near his house in Ramallah. No injuries were reported. The police arrived at the scene and opened investigation into the incident.
- On 26\11\2013, a stun grenade was thrown near al-Quds Open University in Northern Gaza. According to the information of ICHR, the incident happened when a group of students affiliated with the Progressive Work Front tried to attack the PRO at the university. The students of the youth movement intervened and drove them out of the university. In response to this, a student of the Progressive Front threw a grenade at the caravan of the university security personnel. No injuries were reported.

V. Violation of the right of PWDs

During November of this year, ICHR received (8) complaints of the violation of the rights of PWDs. These violations involved the right to work and have access to public places and services, including health services and social security in accordance with the provisions of the Law of Disability and the Basic Law. ICHR maintains that the official authorities should allocate 5% of jobs to PWDs in accordance with relevant laws.

VI. Violation of the right to movement and travel

- On 17\11\2013, the Customs Police stationed at Beit-Hanun Crossing prohibited Amal Tawfeeq Hamad, 51, from Beit-Hanun Northern Gaza, Member of Fateh Central Committee, from leaving for Ramallah to attend the meeting of Fateh Central Committee. According to Hamad's statement to ICHR, she was noticed by the police at the crossing after half an hour of waiting that she was prohibited from traveling because of political reasons. It is worth mentioning that she was prohibited from traveling several times due to the same reason.

VII. Appropriation of citizens' property without judicial warrant.

1. On 3\11\2013, ICHR received a complaint from Sabha Yousif Saleh, mother of Zakaryeh Ismael Saleh, from Hebron, in which she claimed the Preventive Security Agency held her son on 2\11\2013 and confiscated his laptop, CDs, and flash memory drive. Though he was released later, his belongings are still held.
2. On 11\11\2013, ICHR received a complaint from Isra' Khadir Ahmad Ghneemat, a journalist from Hebron working for Sama Link Production Company, which is part of the al-Quds Satellite Channel. She claimed that the company transferred her a payment of 1500 dollars through Abdeen Money Change Company, but the company administration refused to pay her the money before consulting the Preventive Security Economic Department.
3. On 13\11\2013, ICHR received a complaint from Anan Muhammad al-Bakri, from Hebron, in which he claimed that the Preventive Security Agency detained him on 6\10\2013 and confiscated his laptop. They released him but didn't return his laptop, he said.
4. On 13\11\2013, ICHR received a complaint from Naser Ismael Abu Sabha, from Hebron, in which he claimed that the Preventive Security Agency detained him on 9\10\2013 and confiscated his two computer sets, computer maintenance certificate, university card, computer maintenance devices, (4) books, special papers, and his mobile phone. They released him but kept his belongings. ICHR addressed the competent authority in this regard but to no avail.
5. On 13\11\2013, ICHR received a complaint from Abdulhafeez Muhammad Shihadeh from Hebron, in which he claimed that the Preventive Security Agency detained him on 8\10\2013 and confiscated his computer set. They released him without returning his computer to him. ICHR addressed the competent authority in this regard but to no avail.
6. On 13\11\2013, ICHR received a complaint from Miqdad Ahmad Abdullah Darweesh, in which he claimed that the Preventive Security Agency in Hebron detained him on 6\10\2013 and confiscated his computer set, mobile phone, university books and bag. They released him without giving his belongings back. ICHR addressed the competent authority but to no avail.
7. On 19\11\2013, ICHR received a complaint from Muhammad Shihadeh Qa'qur from Hebron in which he claimed that the Preventive Security Agency in the city confiscated a laptop belonging to his brother (Shihadeh) and didn't return it.

VIII. Delay in implementing courts' decisions

During November of this year, ICHR received (1) complaint on non-implementation of courts' decisions:

On 19\11\2013, ICHR received a complaint from Hadi Nadir Ali Abu Haneesh, from Nablus, in which he claimed that he was detained by the Preventive Security Agency since February 25, 2013. Although he served his six-month term in prison in accordance with the court's decision, the Military Intelligence agencies refuse to implement the decision.

There are still (16) other unimplemented courts' decisions issued long ago.