



Monthly Report on Violations of Human Rights and Freedoms in Palestine December 2016

In December 2016, domestic violations continued at a varying pace. This Monthly Report highlights major human rights violations as monitored and documented by the Independent Commission for Human Rights (ICHR).

Domestic human rights violations

Violation	November 2016	December 2016	West Bank	Gaza Strip
Incidents of unnatural death	12	16	4	12
Complaints against torture and ill-treatment	44	69	38	31
Violation of the right to the due process of law	49	44	14	30
Governor-ordered detentions	2	5	5	—
Unenforced or delayed enforcement of court decisions	4	1	1	—
Encroachments on the freedoms of opinion and expression, the press and peaceful assembly	7	3	2	1
Unwarranted confiscation of private properties	4	1	1	—

- Compared to **12** in November 2016, the ICHR monitored **16** incidents of unnatural death in the month of December 2016.
- In comparison to **44** complaints filed in November 2016, the ICHR received **69** complaints on torture and ill-treatment in December 2016.
- While **49** complaints were lodged in November 2016, the ICHR received **44** complaints on violations of the right to the due process of law and detention without guarantees of fair trial.
- Compared to **two** complaints filed in November 2016, the ICHR received **five** complaints on governor-ordered detentions in the West Bank in December 2016.
- Compared to **four** in November 2016, the ICHR received **one** complaint on unenforced or delayed enforcement of court decisions in December 2016.

- In comparison to **seven** in November 2016, the ICHR received **three** complaints on violations of the freedoms of opinion and expression, the press and peaceful assembly in December 2016.
- Compared to **four** lodged in November 2016, the ICHR received **one** complaint on unwarranted confiscation of private properties in December 2016.

A detailed description of violations:

I. Violations of the right to life and physical safety

In December 2016, the ICHR monitored **16** death incidents, including **four** in the West Bank and **12** in the Gaza Strip. Of these, **four** citizens died in mysterious circumstances, including one in Gaza and three in the West Bank. **Six** citizens, including one in the West Bank and five in Gaza, died for failure to implement public safety measures. In Gaza, **two** citizens were killed in family feuds. **Four** citizens were reported to have been killed in events associated with tunnels along the Egyptian border in Gaza. Below is a detailed account of death incidents:

1. Deaths in mysterious circumstances

- On 3 December 2016, Sh. S., a 17-year-old girl and resident of the Al-Eizariya town, died of suffocation. She was found hanging at her family house. According to the Police statement, no criminality was suspected in the death.
- On 5 December 2016, M. M., a 22-year-old resident of the Al-Qubeiba town, Jerusalem governorate, was found hanging in the Al-Qubeiba School building, where he was employed as a guard. According to information provided to the ICHR, the Police arrived at the scene and launched an investigation into the incident.
- On 15 December 2016, A. N., a 39-year-old female resident of the Birqin village, Jenin governorate, died of suffocation. According to information provided to the ICHR, A. N. was found hanging at her house. The Police arrived at the scene and opened an investigation into the incident. A. N.'s brother was arrested pending further investigation.
- On 30 December 2016, the dead body of H. N., a 23-year-old female resident of the Al-Sudaniya neighbourhood in the Northern Gaza governorate, was located with marks of strangling with a clothes line. According to information provided to the ICHR, H. N. arrived dead at the Al Shifa' Hospital in Gaza. Before she had been killed, H. N. was tortured and her head shaved off. She sustained contusions,

particularly on the upper parts of her body. Several cigarette burns were also visible on her body. The Police arrived at the scene and opened an investigation into the incident. The Police detained H. N.'s three brothers, one of whom confessed that he had killed his sister. The investigation continued to be underway.

2. Deaths in family feuds and manslaughter

On 8 December 2016, N. A. and A. A., 49- and 40-year-old residents of the Central Gaza governorate, died of several bullet wounds to various parts of their bodies. N. A. and A. A. were travelling in a vehicle along Street 8 in the Gaza governorate. According to information provided to the ICHR, a number of armed individuals surrounded the vehicle and opened fire on both the citizens, killing one and leaving the other in critical health condition. The Police arrived at the scene, launched an investigation into the incident and arrested a number of suspects. Two assailants surrendered themselves to the Police. It should be noted that a feud had erupted between two families earlier in 2016, during which a member of one family was killed.

3. Deaths resulting from failure to implement public safety measures

- On 4 December 2016, Z. J., a 20-year-old resident of the Hebron city, died of serious injuries sustained after a marble slab had fallen on him while he was at work in a marble processing factory belonging to his father. According to information provided to the ICHR, a marble slab fell on the upper parts of Z. J.'s body. Z. J. sustained serious wounds in the head, resulting in his immediate death. The Police arrived at the scene and opened an investigation into the incident. No criminality was suspected in the death.
- On 4 December 2016, H. Kh., a 20-year-old female resident of the Al-Tuffah neighbourhood in the Gaza governorate, died of serious injuries sustained after she had fallen from a high place (a staircase). H. Kh. lost her equilibrium while she was looking downstairs. The dead body of H. Kh. was transported to the Al-Shifa' Medical Complex. The Police arrived at the scene and opened an investigation into the incident. The body of the deceased woman was sent to the Institute of Forensic Medicine, but no criminality was suspected in the death. Investigations continued to be underway.
- On 7 December 2016, M. Gh., a 10-year-old boy from the Gaza city died of serious injuries sustained after he had fallen from the roof of his four-storey family house, where he was playing. The roof wall was dilapidated. The boy's dead body was transported to the Al-Shifa' Medical Complex. The Police arrived at the scene and

launched an investigation into the incident. The body of the deceased boy was sent to the Institute of Forensic Medicine, but no criminality was suspected in the death.

- On 17 December 2016, A. S., a 65-year-old female resident of the Gaza city, died of serious injuries sustained after she had fallen from the roof of her two-storey house. The house was old and the roof wall was dilapidated. The woman's dead body was transported to the Al-Shifa' Medical Complex. The Police arrived at the scene and opened an investigation into the incident. The body of the deceased woman was sent to the Institute of Forensic Medicine, but no criminality was suspected in the death.
- On 25 December 2016, H. N., a 1-year-old girl from the Bir al-Na'ja area north of the Gaza city, died of serious injuries sustained after she had fallen from the second floor of her family house. The girl's dead body was transported to the Indonesian Hospital. The Police arrived at the scene and launched an investigation into the incident. The body of the deceased girl was sent to the Institute of Forensic Medicine, but no criminality was suspected in the death.
- On 25 December 2016, F. Sh., a 67-year-old female resident of the Al-Sheikh Redwan neighbourhood in the Gaza city, died of suffocation. F. Sh. sustained severe burn injuries after her bedroom had burst into flames. According to information provided to the ICHR, while she was making a cup of tea, F. Sh. had a high blood glucose level and fell unconscious. Meantime, F. Sh.'s bedroom was on fire. The woman's dead body was transported to the Al-Shifa' Medical Complex. The Police arrived at the scene and opened an investigation into the incident. The body of the deceased woman was sent to the Institute of Forensic Medicine, but no criminality was suspected in the death.

4. Deaths in tunnels

On 4 December 2016, the dead bodies of S. T. (30), A. B. (45), A. B. (24) and M. B. (22) were located in a commercial tunnel on the Egyptian border in Gaza. All four citizens died of suffocation after the tunnel had collapsed. Contact with these citizens was lost on 27 November 2016. Before they were buried, the dead bodies were transported to the Abu Yousef al-Najjar Hospital. S. T., A. B. and A. B. were from the Rafah city and M. B. from the Al-Nuseirat neighbourhood.

5. Torture in detention – Cruel and degrading treatment

During the month of December 2016, the ICHR received **69** complaints on torture and ill-treatment, including **38** in the West Bank and **31** in the Gaza Strip. In the West Bank, **17** complaints were filed against the Police, **16** against the Preventive Security and **five**

against the General Intelligence. In Gaza, **30** complaints were lodged against the Police and **one** against the Internal Security agency.

II. Violation of the right to the due process of law, including arbitrary detention, arrest on political grounds and governor-ordered detention.

Arbitrary and political detention: During the reporting period, in the West Bank, the ICHR received **14** complaints against invalid detention procedures, including arbitrary and political detentions. In the Gaza Strip, **30** complaints were filed on similar violations.

In December 2016, **five** citizens were detained by orders from governors in the West Bank.

#	Name	Detention date	Place of detention	Detained by	Notes
1	A. Sh.	28/11/2016	Preventive Security, Nablus	Nablus governor	Released on 6/12/2016
2	A. Sh.	27/11/2016	Preventive Security, Nablus	Nablus governor	Not released
3	A. S.	6/12/2016	Preventive Security, Nablus	Nablus governor	Not released
4	N. H.	6/1/2016	Military Intelligence prison, Jericho	Nablus governor	Not released
5	A. M.	19/12/2016	Nablus	Hebron governor	Not released

III. Attacks on persons and public and private properties

At 4:00 am on 27 December 2016, an unidentified individual set fire to a lawyer office belonging to A. A. on the Ein Sarah Street in the Hebron city. Little damage was caused to the property because the individual failed to break the office door. The General Investigations Department started an investigation into the incident. Search is underway to identify the culprit.

IV. Encroachments on the freedoms of opinion and expression, the press and peaceful assembly

- On 11 December 2017, the Preventive Security agency in Hebron summoned and detained H. J., a resident of the Al-Dhahiriya city, Hebron governorate, on grounds of personal opinions he posted on Facebook. H. J. was released on 15 December 2016.

- On 14 December 2016, an Internal Security force raided a house belonging to H. S., Secretary General of the Al-Mujahidin al-Sabirin Movement in the Gaza Strip. Al-Mujahidin al-Sabirin is a Palestinian movement known to be affiliated with the Islamic Republic of Iran. Without presenting a search warrant, the Internal Security force also searched a house belonging to H. S.'s brothers and confiscated a digital video recorder of surveillance cameras around their house. It is worth noting that the Internal Security agency has arrested a number of supporters of the Al-Mujahidin al-Sabirin Movement as well as persons embracing the thoughts of Shia Islam.
- On 5 December 2016, Internal Security personnel arrested Y. F., a 27-year-old government school teacher, editor-in-chief of the Naba' Press agency and resident of the Tal al-Za'tar neighbourhood in the Gaza city. According to his statement to the ICHR, Y. F. said his camera and cellular telephone were confiscated. He was interrogated about his work as a journalist as well as the Naba' Press agency where he is employed and its funders. He was accused of affiliating with the Al-Mujahidin al-Sabirin Movement (a Gaza-based political, military movement, which security agencies label as a Shiite movement). Y. F. completely denied that accusation. Having been detained for several hours, he was allowed to go home and take back his car and passport. However, Internal Security personnel continued to seize Y. F.'s camera, cellular telephone and laptop which they had confiscated from his house.
- On 29 November 2016, the Preventive Security agency in Hebron summoned and detained Z. A. on grounds of personal opinions he posted on Facebook. Z. A., was released on 8 December 2016.

V. Attacks on academic freedoms and student activities

- On 13 December 2016, the ICHR received a complaint from A. M., a student and activist of the Islamic Bloc at the Polytechnic University in the Hebron city. During an exhibition the Islamic Bloc organised on 8 December 2016, a large number of General Intelligence officers were seen on and off campus. After Y. A., a student, had been arrested, students affiliated with the Islamic Bloc decided to organise a sit-in demonstration on campus in protest against arrests and summonses of students of Islamic Bloc, who might lose the semester. Students reported the demonstration to the University Management. The Dean of Student Affairs stated that the issue would be handled by the University Vice-President for Administrative Affairs. The university security guards told students that sit-in protests were forbidden and demanded that they leave the campus. Under the pretext of a security situation, security guards evacuated students from afternoon

classes of the bridging programme and put off examinations. Power supply and internet connection were cut off at the university. In his complaint, A. M. reported that almost 20 guards in security vests forced out and assaulted students, leaving some with minor injuries. Security guards threatened students to turn the issue into a personal matter. He added that the officer in charge ordered security guards to not communicate with any agency in order to conceal events on campus.

- On 20 December 2016, the ICHR received a complaint from M. A., a resident of the Dura city, Hebron governorate, stating that the General Intelligence agency in Hebron had detained his son, M. A., on grounds of his activity within the Islamic Bloc at the Polytechnic University.

VI. Unwarranted confiscation of private property

On 13 November 2016, the General Intelligence agency in Bethlehem detained M. A. and confiscated his Samsung Galaxy S7 Edge Gold. When he was released on 14 November 2016, General Intelligence officers told M. A. that his cellular telephone was seized by a decision from the General Intelligence Director.

VII. Delayed and stalled enforcement of court decisions

On 26 December 2016, the Halhul Court of Conciliation rendered a decision on the release of M. Gh. on bail. On 14 December 2016, M. Gh. had been detained by the General Intelligence agency on political grounds. Even though the bail was paid to the General Intelligence in Hebron, the court decision has not been enforced. According to information provided to the ICHR, M. Gh. was relocated to the General Intelligence HQ in Jericho.

In addition, 11 court decisions rendered over the past months and years have not so far been enforced.

VIII. ICHR monitoring of human rights violations in public policies and legislation

In its session of 6 December 2016, the Council of Ministers decided to refer the Draft Law by Decree on Plant Health to ministers for examination and comments. Relevant legal procedures would be taken in an upcoming session. The Law by Decree is envisioned to consolidate the regulatory framework of plant health in Palestine. In the same session, the Council of Minister decided to refer the Draft Law by Decree on Public

Institutions and Financially and Administratively Independent Institutions to ministers for examination and comments. The Law by Decree regulates functions of public institutions and financially and administratively independent institutions, determines the institutions that fall within the constitutional and legal jurisdiction of the Council of Minister, and sets the legal provisions of all institutions that report to the Council of Ministers. The Law by Decree repeals all regulations on public institutions and others which fall within the constitutional jurisdiction of the Council of Ministers and contravene the provisions of the effective Law on the Regulation of the General Budget, Financial Regulation of the State of Palestine and Law on Public Procurement. The Law by Decree seeks to ensure the proper performance of duties and mandates by public and other institutions.

In its session of 20 December 2016, the Council of Ministers decided to refer the Draft Financial Regulation of the Palestinian Pension Authority (Relating to Accounting, Supplies and Procurement), Draft Amendment of the Consumer Protection Law and its Bylaw, Draft Regulation on the Organisation of Private Security Services and Draft Amended Regulation of the Bylaw of the Traffic Law to ministers for examination and comments.

In its session of 27 December 2016, the Council of Ministers decided to refer the Draft Law by Decree Amending the Law on the Elections of the Councils of Local Bodies No. 10 of 2005 and its Amendments to ministers for examination.

In its session of 13 December 2016, the Council of Ministers approved the Draft Law by Decree on the Supreme Criminal Court and submitted a recommendation to the President for promulgation in due form. The Law by Decree was developed in consultation and collaboration between the High Judicial Council, Public Prosecution and Ministry of Justice. In this context, the ICHR sent a legal memorandum to the President's Office, demanding that some provisions of the Law by Decree be amended before final approval. In the same session, the Council of Ministers approved the Draft Regulation on the Fees of Licensing Firearms and Ammunitions, which with a view to regulating weapons and curbing proliferation of illegal firearms. In addition to seizing firearms, the Regulations provides the ground for serious action against arms dealers, outlaws and individuals who place security of the homeland and citizens at risk.

In the last session it convened this year (27 December 2016), the Council of Ministers discussed the Draft General Budget of the State of Palestine for the 2017 Fiscal Year. Deliberations addressed expenditures, revenues, partnership with donors and programme budget reform. The Council of Ministers also approved the *2017-22 National Policy Agenda: Putting Citizen First*.

Ends