



Monthly Report on Violations of Human Rights and Public Freedoms in Palestine during February 2016

This report presents the main violations which the Independent Commission for Human Rights (ICHR) monitored in the Palestinian controlled territory during the month of February 2016:

Violations of Human Rights:

- ICHR followed up the teachers' strike which was accompanied by a number of assaults and violations in breach of the right to peaceful assembly, strike and transportation. It documented detention of some teachers and assault on others.
- ICHR documented arrest memo issued by Public Prosecution against MP Nagat Abu Bakir who stayed in the premises of the PLC in protest against that order.
- ICHR monitored 16 unnatural deaths compared with 17 in the month prior. These deaths were divided as 6 in the West Bank and 10 in the Gaza Strip. As for the cause of death, they were distributed as follows: mysterious conditions, negligence of public safety precautions, family dispute and misuse of firearms.
- ICHR documented one death case in a detention center in the Gaza Strip.
- ICHR received 36 complaints of torture and ill-treatment compared with 16 complaints in the month prior. These complaints were distributed as 11 in the West Bank and 25 in the Gaza Strip.
- ICHR received 88 complaints of the violation of the right to due process of law and fair trial guarantees compared with 67 complaints in the month prior. These complaints were distributed as 29 complaints in the West Bank and 59 in the Gaza Strip.
- ICHR received 8 complaints of detention by order of governor (administrative detention) compared with 10 complaints in the month prior.
- ICHR registered 5 assaults on peaceful assemblies and freedom of press and expression compared with 2 assaults in the month prior.
- ICHR registered 5 complaints of non-implementation of courts decisions compared with 9 complaints in the month prior.
- ICHR received 7 complaints concerning expropriation of property and documents by the Palestinian security services without court's decision.
- ICHR received 3 complaints concerning delay of courts' decisions implementation by the security services.

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 ، ص.ب. 2264 ، فاكس: 2987211 972 2

مكتب الشمال : هاتف: 2335668 972 9 ، فاكس: 292366408

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

مكتب غزة : هاتف: 0097282824438 فاكس: 0097282845019



Violations in detail:

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

During February 2016, ICHR monitored 16 unnatural deaths, divided as 6 in the West Bank and 10 in the Gaza Strip. As for the cause of these deaths, they were distributed as follows: one death in a detention center in the Gaza Strip; 6 deaths under mysterious conditions (1 in WB, 5 in GS); 5 deaths in family disputes and manslaughter (1 in GS, 4 in WB); 2 due to negligence of general safety precautions (1 in GS, 1 in WB); and 1 due to misuse of fire arms in GS. One death occurred due to tunnel incident in GS.

Further details on the causes of death below:

During this month, ICHR documented a death case in the detention centers in the Gaza Strip. On 17 February 2016, (A.A), 40 years of age, from Al Zawayda village in al-Wusta governorate, former member of the Police Agency, died in Dier al-Balah Police Center. He was held by the Police Criminal Investigation Unit. According to statement by his brother, he was summoned on 16\2\2016 by the police for interrogation about a criminal case. On the following day, he was informed that his brother is in Shuhada' al-Aqsa Hospital where he passed away. He was transported to al-Shifa' Hospital, afterwards, for autopsy. The police opened investigation into the case.

ICHR received a complaint from the family of the deceased and followed up the case with the competent authorities. On 17 February, it issued a statement demanding investigation into the case. It attempted to send forensic doctor from the West Bank to attend the post-mortem autopsy of the body of the deceased on behalf of itself and the family, but the need for Israeli permit to go from the West Bank to Gaza impeded that.

1. Deaths under mysterious conditions.

- On February 9, 2016, (A.A), 40 years of age, from Beit Kad village in Jenin governorate died. According to information provided to ICHR, he was found dead in poultry farm belonging to him in the village. The police arrived at the scene and opened investigation into the incident.
- On 10 February 2016, (N.A), 36 years of age, from Abbasan village in Khan Younis governorate died of asphyxia. According to information provided to ICHR, he was found

hanged on a tree in a farm he was working in. the police arrived at the scene and opened investigation into the incident.

- On 11 February, 2016, (H.K), 17 years of age, from Khan Younis governorate, died of asphyxia. He was found hanged with a rope in a bathroom in the farm of his family. The police arrived at the scene and opened investigation into the incident.
- On 14 February, 2016, (N.A), 57 years of age, from al-Zawayda village in al-Wusta governorate was found dead. He was working as an officer in the Preventive Security Agency. According to information provided to ICHR, he was found dead in agricultural area with stab wounds in his neck and head. The police arrived at the scene and opened investigation into the incident.
- On 19 February, 2016, medical sources at Nasir Hospital in Khan Younis announced ((E.A), 32 years of age, from Bani Sahila in Khan Younis, dead due to burns injuries. According to information provided to ICHR, he set fire to himself on February 12. The police arrived at the scene and opened investigation into the incident. It is likely that he committed suicide.
- On 20 February, 2016, (M.A), 28 years of age, from al-Shuka neighborhood in Rafah, died of serious wounds he sustained when he fell off a height. According to information provided to ICHR, he was unconscious on the yard of his family's home. He was rushed to the European Hospital in Khan Younis where he died. The police arrived at the scene and opened investigation into the incident.

2. Deaths in family disputes and manslaughter:

- On 4 February, 2016, the police agency in Nablus revealed a murder crime committed two years ago. According to information provided to ICHR, (A.A), 18 years old girl, university student, disappeared two years ago. She was killed by her brother who himself confessed to that. He confessed according to police statement that he burned and buried her.
- On 17 February, 2016, (L.A), 49 years of age, from Khan Younis, died of stab wounds in different parts of her body. According to information provided to ICHR, she was transported to the European Hospital in Khan Younis where she was announced dead. The police arrived at the scene and opened investigation into the incident. A suspect was put under arrest.
- On 23 February, 2016, (A.SH), 27 years of age from az-Zawia village in Salfit governorate died of seriouswounds to his head. According to information provided to ICHR, on 12 February 2016, he had a dispute with a citizen. The brother of the citizen involved came from behind and beat him with a stick on his head. He was taken to hospital in a very critical condition where he was announced dead. The perpetrator and his brother were arrested for investigation. A police force is stationed in the village to prohibit escalation of the situation between the family of the deceased and the family of the perpetrator.
- On 24 February 2016, (N.A), 70 years of age, from Hebron, died of serious wound she sustained when her son beat her. The police arrived at the scene and opened investigation into the incident.
- On February 24, 2016, ((I.G), 45 years of age, from Selat al-Harthia village in Jenin, governorate, died of bullet wounds to his head and hand. According to information provided to ICHR, unknown person opened fire at him from a close range while was receiving freed prisoner Amar Zayood. The police arrived at the scene and opened investigation into the

incident. He was transported to Jenin governmental hospital where he was announced dead. Following the incident, several homes in the village were torched and fired at. The security service intensified their presence in the village to prevent more aggravation of the situation there. According to eye-witnesses, the deceased received death threats for his participation in the activities of the Black Panther group before he was detained by Israeli occupation authorities. He served 20 years in Israeli prisons and served for the National Security Service with Brigadier rank after his release. Investigation into the case is still ongoing.

3. Deaths due to negligence of general safety precautions.

- On 8 February, 2016, (A.S), 44 years of age, from Hebron governorate, died of serious wounds he sustained when his tractor turned over him south Hebron. The police arrived at the scene and opened investigation into the incident.
- On 15 February 2016, (K.A), 32 years of age, from Gaza city, suffered from head fracture when a ceiling fell over him. According to information provided to ICHR, he was working in building meetings room in al-Aqsa University in Gaza when the ceiling fell down and injured 23 persons. They were all transported to the European Hospital where K.A was announced dead. The police opened investigation into the incident.

4. Deaths due to misuse of firearms

- On 25 February 2016, (S.S), 5 years of age suffered shrapnel injuries when a grenade went off. According to information provided by ICHR, the child and his brother were injured when the grenade went off in his family's house. They were rushed to the Indonesian Hospital north Gaza where he was announced dead. The police arrived at the scene and opened investigation into the incident.

5. Deaths in Tunnels

On 8 February, 2016, ((M.M), 23 years of age, from Rafah, died of asphyxia in a tunnel he was working inside. According to information provided to ICHR, the tunnel on the Palestinian Egyptian border collapsed while he was working inside. He was taken to Yousif an-Najar Hospital where he was announced dead.

6. Injuries due to misuse of firearms- internal explosions

- On 28 February 2016, Fadi al-Sa'di, from Jenin governorate, suffered bullet wound when unknown persons shot him in Jenin city. He was taken to Jenin governmental hospital for treatment. Investigation into the incident is ongoing.

7. Torture during detention – cruel, inhuman or degrading treatment:

ICHR received during the period covered by this report 36 complaints of torture and ill-treatment, divided as 11 in the West Bank and 25 in Gaza Strip.

These complaints were distributed against the following authorities in the West Bank as follows: **9** complaints against the Police Agency and **1** complaint against the Preventive Security Agency as well as 1 against the General Intelligence whereas in the Gaza Strip, **23** complaints against the Police Agency and **2** complaints against the RCCs. According to the

complainants, these agencies used different patterns of torture, including tying in difficult position for a long time, punching, kicking, flogging, insulting, deprivation of sleep and stripping.

II. Violation of the right to due process of law including arbitrary detention, detention by order of the governor and prosecution by military courts.

Arbitrary and political detention: ICHR received during the reporting period **29** complaints in the West Bank on inappropriate detention procedures, arbitrary and political detention. In Gaza Strip, it received **59** complaints of the said violation.

ICHR documented **8** detention cases carried out by order of governor. Five cases were released while three cases are still in detention as shown in the table beneath:

No.	Name	Date of detention	Detention center	Detention authority	Notes
1.	(S.D)	20\1\2016	Investigation Unit	Nablus Governor	
2.	(A.M)	13\1\2016	Preventive Agency	Nablus Governor	
3.	(S.Z)	9\2\2016	General Intelligence	Tubas Governor	Released
4.	(M.D)	7\2\2016	General Intelligence	Tubas Governor	Released
5.	(E.SH)	18\1\2016	Jenin Investigation	Jenin Governor	Remanded by civil court
6.	(N.S)	3\2\2016	General Intelligence	Nablus Governor	Released
7.	(A.B)	16\2\2016	General Intelligence	Bethlehem Governor	

III. Assault on public institutions, public and private property:

- On 19 February 2016, an explosion occurred in the building of Ashur Salim Deeb in Beit Lahia northern Gaza. According to statement by Issam Deeb who lives in the building, he got up at dawn when he heard the sound of the explosion which caused partial damage to different floors of the building and nearby buildings. He called the police which arrived at the scene and opened investigation into the incident. The police reported that the explosion happened when home-made projectile went off. Hisham Ashur Deeb is the Secretary General of Sabireen Party. He was stabbed by unknown persons prior to the incident.

IV. Violation of freedom of expression, press and peaceful assembly:

- On 2 February 2016, the Preventive Security Agency in Hebron detained Thaeer Mahmoud Arjan, 32 years of age, from Dura city for expressing his opinion on facebook. He was accused of encouraging sectarian commotion and defamation of senior officials. He was released on 17 February 2016.
- On 8 February 2016, Preventive Security Agency in Hebron, detained Tareq Ibrahim Shalaldi, 28 years of age, from Saer for expressing his opinion on Facebook. He is employed by the Ministry of Waqf as Imam of a mosque. he was released on 11 February 2016.
- On 8 February 2016, the Internal Security summoned Adnan Mahmoud al-Faqawi, 53 years of age, from Khan Younis refugee camp, Secretary of People's Party, Khan Younis Branch. According to his statement, he received a notice to report to the office of the internal security. He was held in the interrogation room for two hours. He was interrogated about his activities of the tenth anniversary of the People's Party. He was asked not to take part in such activities. Before he was released, he was asked to report to their office again on 10/2/2016 but rejected that without judicial warrant.

1. Nagat Abu Bakir, Member of the Palestinian Legislative Council Organizes Protest Sit-in inside the Council:

- **According to information provided to ICHR**, on 2nd of February 2016, Acting Public Prosecutor issued arrest warrant against MP Abu Bakir on charges of committing crimes punishable by the Penal Law. Pursuant to the arrest warrant, security personnel went to arrest her while she was in front of the PLC. She decided to stay in the premises of the PLC until they cancel the decision to arrest her. Arresting or detaining an MP constitutes a violation of the Palestinian Basic Law which provides for constitutional immunity for MPs. It also breaches the rights and obligations of the MPs and the statutes of the PLC.

ICHR and Human Rights Organizations Council issued a statement on 25/2/2016 confirming the following:

1. Acting Attorney General should reconsider his order and stop any measures affecting the constitutional immunity of MPs.
2. The political level, represented by President Mahmoud Abbas, should put an end to deteriorating public freedoms situation and solve the current crisis through dialogue and rule of law.
3. The PLC should convene and initiate its constitutional tasks regarding monitoring of the executive authority and its apparatuses in a way that would contribute to restoring institutions unity, pending general elections.

2. Teachers Strike:

- On 23 February 2016, the Police Agency, supported by security services personnel, put up checkpoints on the entrances and exits of the West Bank cities, in search for the teachers who were heading to Ramallah to participate in a central protest in front of the Council of Ministers. ICHR monitored on that day summoning of teacher (A.A) who was one of the coordinators of the strike in Ramallah city. He was held by the Preventive Security for one hour. He was interrogated about the protest sit-in and the strike in general.

The security services in Hebron also put up checkpoints on the northern entrance of Hebron and prohibited teachers from arriving at Ramallah. (F.T), 38 year old teacher said that the General Intelligence and Preventive Security in Hebron prevented him and his colleagues from reaching Ramallah. They ill-treated him. (E.A) 31 years old teacher from Hebron said that he couldn't participate in the teachers protest sit-in since he was threatened of getting fired from his job.

(A.G) 38 years old teacher from Hebron was stopped in al-Ebedia area by security personnel manning a checkpoint there to prohibit teachers from reaching Ramallah. His identity card was seized from 9:00 am until 12:00 pm. After that he was transferred to Bethlehem Police Center where he was kept waiting until 2:00 pm. ICHR monitored cases of detention of teachers for their participation in the protest sit-in.

On 17 February 2016, ICHR issued a press statement concerning teachers strike and detention of a number of them. It read that detention of teachers against the backdrop of taking part in the strike constitutes a violation of associations' activities freedom which is enshrined in the basic law and international conventions joined by Palestine. It doesn't go in line with the government's attitudes towards developing the education sector and promoting teachers' status.

ICHR sent an official letter to the Prime Minister in which it demanded him to open a dialogue with teachers to discuss their legitimate demands and protect the educational process and ensure the freedom of association activities and freedom of expression.

It also demanded from the General Union of Teachers to review its statutes within clear timeframe to conduct regular elections and ensure legal and association representation for a vital category of the Palestinian society.

V. Violation of freedom of expression and peaceful assembly

- On 1st of February 2016, the Preventive Security summoned journalist Musa'b Khamis Qfasha, 21 years old, from Hebron, for an interview on 3 February 2016. He told ICHR that he was summoned for his work as freelancer journalist.
- On 2nd of February 2016, Dr. Abed as-Satar Qasim, lecturer at an-Najah University, was held by order of the Public Prosecution for his press statements concerning the term of President Abbas. According to information provided to ICHR, Dr. Qasim was held in Nablus CRC. He was released 7 February 2016.
- On 15 February 2016, the Police Agency held Ahmad Mahdi Nimir from Ramallah for publishing a comment regarding the general budget and the share of the security services from it. He was released on the following day after ICHR's intervention.
- On 15 February 2016, Ehab al-Jareeri, journalist, was detained by order of the Public Prosecution for 24 hrs. According to information provided to ICHR, he was detained for a criminal complaint filed against him due to his comment on a contract held with a female employee of the Palestinian Broadcasting Corporation (PBC). He appeared before the Court of Magistrates in Ramallah which decided to release him on bail.
- On Friday 26 February 2016, a peaceful march was organized in commemoration of the launch of DFLP, demanding release of the bodies of the Palestinian martyrs withheld by

Israeli occupation forces. When it arrived at the area of al-Hamra Palace, the participants were surprised by security personnel trying to prohibit them from continuing their march. They took another road towards Bet Eil settlement which is built on the lands of Ramallah; security personnel in plain clothes intercepted them. They weren't allowed to continue their way but without injuries or casualties.

VI. Seizure of citizens' documents without courts' order:

- On 2nd of February 2016, (M.Q), 21 years old from Hebron, presented a complaint to ICHR in which he alleged that the General Intelligence seized from him \$700 in 2015. He added that "he was forced to sign a statement confirming that the source of this amount of money is Gaza Strip though he received it from his uncle who lives in Jordan". "The proceedings of this case weren't registered in a formal minute", he charged.
- On 10 February 2016, the father of (SH.A), 22 years old, filed a complaint in which he alleged that the Preventive Security detained his son on 8\2\2016 and seized his PC and mobile phone in addition to flash memory. He was released on 14\2\2016.
- On February 17, the son of (H.A) filed a complaint with ICHR in which he alleged that the Preventive Security detained his father on 17\2\2016 and confiscated his PC and mobile phone against the backdrop of the teachers strike.
- On February 17, 2016, the brother of (A,A) 47 years old, filed a complaint with ICHR in which he alleged that on 21\8\2002, he purchased a store in Hebron. After that he was imprisoned in Israeli jails until 2015 and sent a blacksmith on 2\9\2015 to fix the door of the store but the Preventive Security seized the blacksmith and expropriated his tools under the pretext that the store is classified as State's property. He has sufficient deeds proving his possession of the store.
- On 22 February 2016, (M.G) 28 years old filed a complaint with ICHR in which he alleged that on 13\2\2016 the General Intelligence searched his house and seized his 2 mobile phones, PC, tablet, CDs, flash memory and documents.

VII. Violation of the right to travel:

- ICHR received a complaint from (A.A) 42 years old, from Gaza, Escort of the Minister of Housing, filed a complaint with ICHR, in which he alleged that since June 2014, he applied for renewing his passport through Abu al-Kheir Office for Tourism in Gaza but his application was rejected by the General Intelligence in Ramallah. ICHR addressed the Minister of Interior in Ramallah to solve the problem but hasn't received an answer yet.
- ICHR received a complaint from (KH.A), 30 years old, from al-Nuseirat in Gaza, in which he alleged that he applied for a passport through Abu Shamallah Office for Tourism since July 2015 by was rejected by the Preventive Security and General Intelligence in Ramallah. ICHR follows up his case with the competent authorities.

VIII. Delay in executing of courts' decisions:

ICHR received 3 complaints of non-execution of courts' decisions that were implemented later. Fifteen previously issued courts' decisions weren't executed yet.

IX. ICHR monitoring violations of human rights in the area of public policies and legislations.

Firstly: Policies and legislations related to economic, social and cultural rights

1. On 17 February 2016, the Council of Ministers approved of Law by Decree of Social Security as a component of the social security system in Palestine and referred it to the members of the Council for consideration.
2. The Council of Ministers approved of Draft Law of the Palestinian Fund for Employment and Social Protection and referred it to the members of the Council for consideration.
3. **Right to Education:** ICHR followed up Council of Ministers' referral of Draft Law by Decree of the National Commission on Accreditation and Quality of Higher Education Institutions and Draft Decree by Law of Education. They were referred to the members of the Council of Ministers for consideration.

Secondly: Political and Civil Rights-Related Policies and Legislations

1. On 4/2/2016, the President of the State of Palestine signed a Law by Decree concerning protection of juveniles. ICHR participated in preparing this draft law based on the best interest of the child, especially concerning courts proceedings and creation of alternative dispute resolution as well as creating special juvenile public prosecution and police.
2. On 9 February 2016, the Council of Ministers decided to refer the Draft Law of the National Library and the Statute of the Child National Council to the members of the Council for Consideration.
3. On 17 February 2016, the Council of Ministers approved the Draft Law by Decree of Family Protection from Violence and the Draft Law of the Association of Pharmaceuticals and referred them to the members of the Council for consideration.
4. **National consultations concerning draft report on CEDAW:** cooperation between ICHR and State's Ministries continued. On 3 February 2016, ICHR facilitated national consultation session to review the draft report. The Ministry of Foreign Affairs held a meeting to listen to the comments of the civil society organizations. The Office of the High Commissioner for Human Rights participated in the session in addition to UN Women, Palestinian Women General Union, Women Affairs Committee, Palestinian Human Rights Organizations Council, Representatives of Civil Society Organizations and gender units of the different ministries.
5. **MoU:** within the framework of continuing cooperation between ICHR and the Ministry of Foreign Affairs concerning the State's report of the international conventions which Palestine joined, ICHR, represented by General Commissioner Farseen Shahin, signed at the start of the session with the Ministry of Foreign Affairs, represented by Minister Ryahd al-Malki a memo of understanding on cooperation between both institutions regarding raising awareness of the Palestinian society about the implications of Palestine ratifying international conventions and ensuring training courses for the concerned authorities in addition to engaging ICHR in preparing State's reports.

6. **Police Agency Report of 2015:** On 8 February 2016, ICHR monitored police agency presentation of its report of the year 2015 showing the level of crime in Palestine and some relevant statistics.