

AMNESTY INTERNATIONAL

Open Letter

AI Index: MDE 21/002/2006 (Public)
News Service No: 010
16 January 2006

Open Letter to the candidates to the Palestinian legislative elections: Time to end impunity and ensure the rule of law

The forthcoming elections to the Palestinian Legislative Council (PLC) provide an important opportunity for all candidates to hold a frank debate about the need for measures to protect and promote human rights in the face of the deteriorating internal security situation in the West Bank and Gaza Strip.

Those who are elected to the second Palestinian parliament will be responsible over the coming months and years for enacting laws which should satisfy the Palestinian people's long-held desire for human rights and the rule of law.

Amnesty International is calling on all parliamentary candidates to put human rights at the top of their agenda, by making concrete proposals for putting an end to inter-factional violence and impunity and for delivering justice to the Palestinian people. Notably, they should pledge to hold accountable the Palestinian Authority (PA) executive and the armed groups, both of whom bear responsibility for the increasing lawlessness and human rights abuses.

End the spiralling violence

Since the outbreak of the *intifada* five years ago, intra-Palestinian violence has spiralled in those areas of the Occupied Territories which fall under the jurisdiction of the PA. The violence has reached unprecedented levels in the past year, as armed groups and powerful families, clans and factions contend for political and economic influence, and take advantage of the absence of the rule of law to settle scores with those they perceive as their rivals or enemies.

Hundreds of Palestinians have been killed by other Palestinians in deliberate targeted attacks, as bystanders in armed clashes between rival groups, and as a result of increasingly frequent and reckless use of firearms and explosives in densely populated residential areas. Dozens of Palestinians as well as several foreign journalists and aid workers have been abducted by armed groups – most of them affiliated to the ruling Fatah party - whose disparate demands included public sector jobs, changes in PA political and security institutions, and the release of detainees.

The victims of such attacks, whether they were deliberately targeted or bystanders caught in the crossfire, have no means of obtaining justice and redress, as the Palestinian judicial and security institutions have been unable and/or unwilling to bring to justice the members of armed political groups and influential families and clans responsible for such attacks.

Decades of Israeli military occupation and relentless Israeli attacks have undoubtedly contributed to the

deterioration in security and the consequences that flow from such a situation. The repeated Israeli army attacks on both PA security installations and ordinary Palestinians and their property, and the Israeli military blockades around Palestinian towns and villages have continued to hinder the functioning of PA institutions and have crippled the Palestinian economy, creating unemployment, poverty and despair throughout the West Bank and Gaza Strip.

However, the negative consequences of Israel's 38-year-long occupation and its destructive actions and policies in the Occupied Territories do not lessen the responsibility of the PA and of the political factions and armed groups for the increasingly widespread internal violence and lawlessness which have led to the loss of so many lives and a growing feeling of insecurity for ordinary Palestinians in the Gaza Strip and in many areas of the West Bank. The internecine actions of Palestinian armed groups, and the unwillingness of the PA to hold them to account are the main cause of this widening breakdown of order and security. It is imperative that the PA and its institutions, notably the PLC, address these very serious challenges as a matter of urgency.

PLC candidates should:

Unequivocally condemn all deliberate killings of civilians - regardless of the identities of the victims and the circumstances in which they occurred - and commit to take the necessary measures to prevent and punish future attacks against civilians.

Put forward concrete proposals for the establishment of effective oversight mechanisms to ensure that the relevant PA institutions investigate each and every case of killing and other human rights abuses, and bring the perpetrators and instigators of such crimes to justice.

Undertake to bring Palestinian law into line with international law, so that crimes under international law are crimes under Palestinian law, and ensure that the necessary legislation is enacted and implemented;

End impunity for perpetrators of human rights violations

As abuses have continued to be committed with impunity, so lawlessness has spread and Palestinians increasingly have felt inclined to take the law into their own hands.

The deterioration of the internal security situation in the Gaza Strip and elsewhere in the Occupied Territories is to a large extent caused by the culture of impunity which has become increasingly entrenched in recent years, as the Palestinian authorities have systematically failed to investigate and bring to justice the perpetrators of grave human rights violations, including killing of both Palestinian and Israeli civilians, abductions and torture. Such a situation, with victims feeling that they have no realistic hope of obtaining justice and redress through the PA institutions and security forces, has resulted in more and more people taking the law into their own hands, thereby fuelling the widening circle of lawlessness.

The impunity afforded to perpetrators and instigators of killings of civilians, abductions, torture and other grave human rights abuses – these include members of the PA's own security forces as well as members of armed groups and political factions – has been so extensive that those responsible for such abuses consider themselves above the law.

Such a situation has encouraged further abuses, with ordinary Palestinians increasingly feeling that their lives and those of their families are constantly at risk, that their fundamental human rights are inadequately protected by law, and that they are denied justice and redress for the violations suffered.

Steps must be taken to hold those responsible for killings, abductions, torture and other crimes accountable – regardless of who the victims or the perpetrators are.

PLC candidates should:

Demand that the judicial authorities carry out independent and impartial investigations into killings, abductions, torture and other abuses, and ensure that those responsible for such crimes are brought to justice promptly and fairly.

Commit to take early action to strengthen the justice system by introducing concrete measures to establish the independence of the judiciary, reinforce the powers of the courts, and ensure that those accused of human rights violations are prosecuted and receive fair trials, in full compliance with international law.

Pledge to allocate the resources necessary to investigate human rights violations impartially and effectively, to put in place efficient procedures to ensure that such investigations are carried out, and to monitor their progress and outcome.

Promote women’s rights and combat discrimination against women

Palestinian women have endured untold suffering as a result of decades of occupation and conflict. Many have been killed and injured and others have spent long years in Israeli prisons. Many have been affected by the killing or imprisonment of their children and husbands and by the destruction of their homes. In additions, women have also been victims of human rights abuses within Palestinian society. Many have been killed on grounds of “family honour”; others have been subjected to violence and other abuse at the hands of their fathers, husbands and brothers, and all are negatively affected by laws and practices which institutionalize inequality and discrimination against women, and deny them their fundamental rights.

PLC Candidates should:

Unequivocally condemn the murder and other abuses of women in the name of "honour", and call for an end to such practices and for the perpetrators of such crimes to be brought to justice.

Pledge to defend and promote women’s rights, including by working to amend laws which discriminate against women.

Undertake to work alongside and support civil society organisations which strive to protect and promote women’s rights.

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