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Occupied Palestinian Territories: Rival Palestinian factions must end crackdown on opponents

Amnesty International today called on rival Palestinian leaders in the West Bank and Gaza Strip to end arbitrary arrests and detentions and prevent the torture or other ill-treatment of detainees.

The organisation made this call in the wake of a new wave of detentions which began after a series of bomb attacks targeting Hamas members in the Gaza Strip. One attack on 25 July killed five Hamas members and a four-year-old child. Since this bomb attack, Hamas security forces in Gaza have detained more than 200 supporters of Fatah, the party led by Palestinian Authority (PA) President Mahmoud Abbas, and PA security forces in the West Bank have detained at least 95 Hamas supporters, apparently in retaliation for the arrests of Fatah supporters in Gaza.

In the Gaza Strip, Hamas security forces and armed militias have released many of those they detained over the last few days but scores continue to be held. Most detainees reported that they were beaten, and dozens of homes, offices and institutions of Fatah supporters have been ransacked. In the West Bank, most of those detained remain without access to the outside world, and PA security forces have raided and closed down offices and institutions linked to Hamas.

In letters to PA President Abbas and Hamas leader Ismail Haniya, Amnesty International criticised both sides' continuing failure to observe legal safeguards contained in the Palestinian Basic Law and the Penal Procedures Law, allowing a pattern of arbitrary detentions, torture and other ill-treatment of detainees, and violations of the right to freedom of expression and association in both the West Bank and Gaza Strip. It urged both leaders to take concrete steps to ensure that their forces cease such abuses and respect international human rights standards.

Hamas over the past months has continued to detain Fatah supporters and other political opponents in breach of procedures laid down by Palestinian law, including the right to have their detention reviewed by a prosecutor within 24 hours and by a judge after 72 hours. Detainees have routinely been subjected to torture or other ill-treatment while held illegally and without access to the outside world. Torture methods include beating, suspension by the wrists or ankles and being held in stress positions. A 72-year-old man, Taleb Abu Sitta, died on 27 June 2008, a day after his detention by Hamas forces and after being severely beaten in Deir al-Balah police station.

In the West Bank, PA forces similarly disregard legal procedures and safeguards. Detainees who were held by PA forces for prolonged periods in violation of Palestinian law were released without charge due to the efforts of human rights lawyers, but were then swiftly arrested by Israeli forces and detained. Torture or other ill-treatment by PA forces, notably the Preventive Security and General Intelligence, is frequent and methods include beatings, prolonged stress positions and in some cases suspension by the arms or ankles from ceilings and walls. A 43-year-old Imam, Majd al-Barghouthi, died in a General Intelligence detention centre in Ramallah on 22 February 2008,

eight days after he was detained and after he was severely beaten, including while suspended by chains from the window of his cell.

The PA government in the West Bank and the Hamas de facto administration in the Gaza Strip continue to restrict Palestinians' rights to freedom of expression and assembly, including by using unwarranted and at times lethal force against demonstrators. In recent months, Hamas security services and armed militia in the Gaza Strip have forcibly broken up a number of Fatah demonstrations or public gatherings, while in the West Bank Hamas supporters have largely been driven underground by fear of detention by PA and Israeli forces. Both Hamas in Gaza and the PA in the West Bank have detained journalists, and banned newspapers and TV stations affiliated with the other side.

Those who oppose Fatah in the West Bank and those who oppose Hamas in the Gaza Strip now live in an atmosphere of fear, and many of those who are detained and tortured by the security forces of either side dare not testify about it or, if they do disclose what occurred, fear to give their names.

This is unsurprising. To date, both the PA in the West Bank and Hamas in the Gaza Strip have failed signally to hold perpetrators of human rights abuses to account, giving rise to a climate of impunity which only serves to encourage further such abuses.

The renewed spate of violent attacks in Gaza and the tit-for-tat retaliatory detentions and other actions by both Hamas and PA forces raises the spectre of the outburst of Hamas-Fatah inter-factional violence which claimed the lives of more than 300 Palestinians in 2007.

It is imperative and urgent that the leadership of both sides take concrete steps to ensure that Palestinians are able to exercise their rights to freedom of expression and assembly, that no one is detained simply for supporting an opposing faction, that their security forces observe the legal safeguards enshrined in Palestinian law and protect detainees from torture or other ill-treatment, and that those who commit human rights abuses are brought to justice.

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