



Occupied Palestinian Territories - Researched and compiled by the Refugee Documentation Centre of Ireland on 2 June 2009

Information on citizens of Gaza who fear persecution from armed groups of Hamas due to their perceived political opinion, who fear persecution from armed groups of Fatah due to their political opinion, or who fear persecution from the armed groups of The Az Al-deen Al Quassam brigade due to their perceived political opinion Information on state protection available to people of the Gaza strip perused by Hamas, Fatah, or Az Al-deen Al Quassam brigade due to their perceived political opinion. Information on detention facilities, prison conditions and police brutality in Gaza for perceived political opponents.

An *International Crisis Group* report on the treatment of detainees by Hamas security forces in Gaza states:

“Hamas security forces targeted not only rival security groups but also members of Gaza’s civil society. Detentions – often without warrant – are frequent, threatening detainees whose backs were scarred with burning iron rods and limbs broken. The ribcage of a twelve-year-old boy had been broken. Some had gun wounds in their legs. Interviewees described how the abuses occurred after their heads were covered with sacks and their arms tied. Lawyers say they are frequently denied access to prisons, 100 and ex-detainees held in the early months of the takeover claim their releases came only after payment of bail and a pledge not to talk or seek treatment in government hospitals.” (International Crisis Group (19 March 2008) *Ruling Palestine I: Gaza Under Hamas*, p.10)

A *Human Rights Watch* report on the detention of Fatah members by Hamas forces in Gaza states:

“In the days after the demonstration, Hamas security forces arrested scores of Fatah members and supporters – 450 people according to Fatah, but that number remains unconfirmed. The Interior Ministry spokesman told Human Rights Watch that those detained ‘are not more than 100.’ They are being held at the facility called Al-Mashtal, he said, which is run by Hamas’s Internal Security Service. In October, Human Rights Watch investigated the treatment of persons detained by Hamas forces in Gaza, in particular Fatah members or supporters, and documented a pattern of serious abuse, especially in Al-Mashtal. ‘Al-Mashtal is notorious for violence and abuse of detainees, including torture,’ Whitson said. ‘Any Fatah detainees being held there now are at great risk.’” (Human Rights Watch (15 November 2007) *Gaza: Shootings Inquiry Should Lead to Prosecutions*)

A *Human Rights Watch* report on abuses allegedly committed by Islamic Jihad states:

“Despite some improvements in recent months, Hamas-run security forces in Gaza frequently use force against detainees during interrogations and deny them their due process rights, Human Rights Watch said. Relatives of one of the abducted men, Salah Abdullah Awad, 44, a former captain in the General Intelligence Service of the Fatah-led Palestinian Authority, told Human Rights Watch he showed visible signs of torture when they recently visited him in prison. ‘He was unable to stand normally on his feet. Someone was helping him to stand and walk,’ Awad’s 24-year-old son Bakr told Human Rights Watch. ‘He was very tired, with clear signs of torture on his body. There were remains of burns on his feet.’ The Hamas spokesman criticized Islamic Jihad for abducting and torturing the men, but stopped short of announcing an investigation into their actions. ‘We have stressed that the factions have no right to arrest any person,’ al-Ghoussein said.” (Human Rights Watch (29 May 2008) *Gaza: Investigate Abduction, Torture by Islamic Jihad*)

The Summary of a detailed report from *Human Rights Watch* refers to alleged human rights abuses in Gaza by Hamas as follows:

“Since June 2007, when Hamas forcefully seized control in Gaza, it has conducted arbitrary arrests of political opponents, tortured detainees, clamped down on freedom of expression and assembly, and violated due process rights enshrined in Palestinian law. The victims have frequently been leaders, activists and supporters of Fatah, especially those with suspected ties to a security force or those who sought to undermine Hamas rule after its electoral win in January 2006.” (Human Rights Watch (July 2008) *Internal Fight – Palestinian Abuses in Gaza and the West Bank*, p.3)

This section of the report also states:

“In general, abuses in Gaza by Hamas forces tend to be of shorter duration but more intense: arbitrary detentions accompanied by severe beatings and, as in two cases documented by Human Rights Watch, gunshots to the legs. In at least three cases, detainees have died, apparently from torture. In the West Bank, the security forces generally hold detainees arbitrarily for longer periods but with less severe physical violence. In two known cases, one of them documented in this report, a detainee died, apparently from torture.” (ibid, p.5)

In a section titled “June 2007 Fighting” this report states:

“Clashes peaked in mid-June 2007, when Hamas forces seized control of Gaza’s security facilities and government buildings. For eight days the fighting was intense, and both sides engaged in serious violations of international humanitarian law, such as torturing and summarily executing captured and incapacitated fighters, including those inside hospitals, unnecessarily endangering civilians by fighting from populated areas, and blocking medical access to the injured. Hamas security forces, including members of the Executive Force and the Izz al-Din al-Qassam Brigades, shot several captured Fatah security members multiple times in the legs – a practice that continued over the following months.” (ibid, p.13)

In a section titled “Gaza: Abuses against Fatah” this report states:

“When the fighting ended, Hamas faced the monumental task of governing Gaza—a task for which it was ill-prepared, despite one year in the government. Traditionally focused on social programs and fighting the Israeli occupation, Hamas had to govern 1.4 million people after devastating internal clashes, ongoing military pressure from Israel and intensified economic pressure from Israel, the US, the EU and other donors. The first matter of business was to consolidate control, and Hamas went about it with scant regard for the law. Hamas’s armed wing, the ‘Izz-al-Din al-Qassam Brigades, commanded by Ahmad Jabari, and its internal police, the Executive Force, commanded by Jamal al-Jarrah (aka Abu Obaidah), arrested hundreds of Fatah leaders, activists and supporters, especially those suspected of using or possessing weapons, and held many of them in unauthorized detention facilities. Torture and beatings were common, and one man is known to have died in custody during this time. Hamas forces blocked demonstrations or public meetings by Fatah, and used violence to break up gatherings that did take place. They closed media outlets run by or sympathetic to Fatah.” (ibid, pp.54-55)

This section also states:

“As in the West Bank, impunity is disturbingly common. Human rights lawyers and activists told Human Rights Watch that very few security force members or commanders have been held accountable for their illegal acts, and punishments meted out frequently failed to match the severity of the crime.” (ibid, p.66)

The Summary of a *Human Rights Watch* report on alleged extra-judicial executions carried out by Hamas in the aftermath of the December 2008 Israeli offensive states:

“During the chaos of Israel’s offensive, which killed approximately 1,350 Palestinian civilians and combatants and wounded about 5,000, Hamas security forces or masked gunmen believed to be with Hamas extra-judicially executed 18 people, mainly those accused of collaborating with Israel. Masked gunmen also beat and maimed by shooting dozens of Hamas’s political opponents, especially members and supporters of its main political rival, Fatah. The internal violence in Gaza has continued since Israel withdrew its forces. Palestinian human rights groups in Gaza have reported 14 more killings between January 18 and March 31, 2009.” (Human Rights Watch (20 April 2009) *Under Cover of War – Hamas Political Violence in Gaza*, p.1)

In a section titled “Killings and Maimings by Masked Gunmen” this report states:

“Local human rights organizations have documented a total of 30 cases of killings and scores of shootings by masked gunmen. According to the ICHR, the human rights ombudsman organization of the Palestinian Authority (PA), masked gunmen killed 28 Palestinians from December 27, 2008 to February 27, 2009.5 In addition to the 28 deaths that witnesses attributed to masked gunmen, the ICHR reported the death of Hasan Mohamed Hasan Hirz, 39, whose body,

showing bruises and signs of torture, was found in Gaza City's al-Shifa hospital on February 28, a day after he was last seen leaving his home. According to the Palestinian Centre for Human Rights (PCHR), an independent human rights group based in Gaza, Hamas security forces or unidentified gunmen killed at least 29 Gaza residents between the start of Israel's military operation and February 27; 26 of these cases were also recorded by ICHR." (ibid, p.6)

In "Chapter I: Right to Life and Physical Safety" a report from the *Independent Commission for Human Rights* refers to the alleged treatment of Fatah members in Gaza prisons as follows:

"In the Gaza Strip, citizens affiliated to the Fatah movement were tortured in prisons run by the security agencies of the Deposed Government that ranged from various forms of insults (such as placing shoes on detainees' heads, cursing and verbal insults) to physical harm (such as prolonged exposure to sunlight, forced listening to very loud songs, blindfolding, beating with rifles, blows to the face, feet, head and other body parts, forced standing on one leg, beating with electric sticks, tying hands and legs together, tying the person to pipes and stick, nail removal, pouring of hot water on the body, and the breaking of arms or legs)." (Independent Commission for Human Rights (ICHR) (31 December 2008) *The Status of Human Rights in the Palestinian-Controlled Territory – Fourteenth Annual Report: Executive Summary*, pp.23-24)

A report from the *Palestinian Center for Human Rights* on the arrest of Fatah members states:

"According to investigations conducted by PCHR, and testimony by PLC member Ashraf Juma'a, at about 13:30 on Thursday, 7 November, 2008, members of the Internal Security raided the house of PLC Member Ashraf Juma'a, in al-Juneina neighborhood in Rafah. The force arrested more than 30 members of Fatah movement who were invited to have lunch in honor of other members of Fatah movement who were released by the government in Gaza on 30 October, 2008. The arrested persons were taken to the police station in Rafah governorates' building. They were questioned about the lunch at Juma'a's house and about the activities of Fatah members. They were released later at about 8:00 pm on the same day with the exception of Salah al-'Oweisi and Khaled Mousa, both Fatah district leaders. Before being released, Fatah members were given summons to meet with the internal security officers." (Palestinian Center for Human Rights (9 November 2008) *PCHR deploras Raiding the House of PLC Member Ashraf Juma'a and Arresting More than 30 Members of Fatah Movement By Members of the Internal Security Force in Rafah*)

A *Palestinian Center for Human Rights* report on the deaths of two prisoners states:

"According to investigations by PCHR, at approximately 23:00 on Friday, 6 February, masked gunmen arrested Nehad al-Dabbaka at his house in the al-Maghazi refugee camp. On the morning of Monday, 9 February, medical sources at the al-Aqsa Martyrs Hospital in Deir al-Balah informed the al-Dabbaka family that Nehad's body was in the hospital. Nehad's brother, Majed al-Dabbaka,

stated to PCHR that his brother's body had been transferred to the Forensic Unit in al-Shifa Hospital in Gaza City, and that he and his family had seen the body, which bore clear signs of torture and beating on the feet, back, hands, ears and front of the torso. Medical sources from the Forensic Unit at al-Shifa Hospital spoke to a PCHR field worker, and confirmed that the body of Nehad al-Dabbaka bore clear signs of beating on the hands and feet as well as torture throughout the body. This clearly indicates that Nehad al-Dabbaka may have died as a result of having been beaten and tortured by members of the Palestinian police.” (Palestinian Center for Human Rights (10 February 2009) *PCHR Demands Investigations into Violent Deaths of Two Civilians in Gaza*)

See also *Palestinian Center for Human Rights* report which states:

“According to PCHR investigations, at approximately 01:30am on Tuesday 24 March 2009, medical sources at al-Shifa Hospital in Gaza City pronounced the death of Jamil Naser ‘Assaf, 20, from the ‘Asqoula neighborhood in the east of Gaza City. ‘Assaf died after suffering severe kidney failure, resulting from beating and torture carried out by members of the Security Services. The injuries were sustained while Jamil ‘Assaf was being detained at al-Tufah police station on charges of theft.” (Palestinian Center for Human Rights (25 March 2009) *PCHR Demands Investigation into Death of a Civilian Tortured by Members of the Intelligence Services in Gaza*)

An article published by *The Australian* states:

“Dalal- al-Shoubaki remembers the day Hamas sent its dreaded Internal Security Service to arrest her husband Hamza. Three weeks ago, the tortured body of the father of 13 was found dumped at Gaza's Shifa Hospital, with two gunshot wounds to the head. Shoubaki had been accused of collaborating with the Government of Palestinian Authority President Mahmoud Abbas. His fate is a chilling example of the terror inflicted on dissenters who have lived under the Hamas regime in Gaza since June 2007. ‘In 2007, the death toll of Palestinians killed by Fatah or Hamas exceeded for the first time the number of Palestinians killed in clashes with the Israeli occupation forces,’ said Hamdi Shaqqura from the Gaza-based Palestinian Centre for Human Rights. According to figures cited by Shaqqura, 394 Palestinians were killed in clashes with the Israeli military and security forces in 2007, but at least 500 were killed by forces aligned with either Fatah or Hamas. Shaqqura said, ‘We are talking mostly about barbaric acts of revenge and retaliation. Human rights abuses are witnessed every day here.’” (Australian, *The* (16 March 2009) *The human rights abuses that Hamas supporters ignore* Koutsoukis, Jason. et al)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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