

PUBLIC

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Fear of torture or other ill-treatment

PALESTINIAN AUTHORITY (PA): GAZA **At least 200 Palestinians**

At least 200 people are still detained in the Gaza Strip, after a crackdown by the ruling Hamas de facto administration on political activists and armed militia members affiliated with the Fatah party. Detainees are held incommunicado without their legal rights and many are believed to have been tortured. More people face being detained and tortured in the coming days.

The crackdown follows a series of bomb attacks, one of which killed five Hamas members and a child. Hamas has blamed members of the rival Fatah party of Mahmoud Abbas, President of the Palestinian Authority (PA), but Fatah has denied responsibility for the attacks.

The 200 were detained by Hamas security forces and the armed militia group, the 'Izz al-Din al-Qassam Brigades. Detainees were taken from their homes, offices or the streets and held in police or security centres. The 'Izz al-Din al-Qassam Brigades have no legal right to detain people: those taken into their custody were handed over to the security forces or held in secret locations. According to human rights groups in Gaza, detainees have been routinely beaten and are held in extremely harsh and overcrowded conditions in police stations and internal security detention centres, including in the Mashtal and Saraya security centres. The Palestinian Independent Commission for Human Rights, which normally has access to detainees held in Gaza, has not been allowed to visit any of those detained since 25 July. The detention procedures are illegal under Palestinian law, which allows all detainees the right to have their detention reviewed by a prosecutor within 24 hours and by a judge after 72 hours. Detainees also have the right to prompt access to legal counsel and to medical examinations before and after interrogation, but these rights too are being ignored.

Hundreds of others who were detained after the bomb attacks have now been released. Many of them are reported to have been beaten in detention, while some allege that they were also subjected to other torture methods, including suspension by the wrists or ankles and burning while hooded by interrogators seeking information about those who had carried out the bombings. Some of those abducted or detained were shot, often in the legs, and then left in the street or other public places. Most of those released are continuing to live in fear and dare not give their names or speak openly about their treatment in detention.

Detentions are continuing. On 31 July about 17 leading members of Fatah were detained, including Mohammed al-Qudra, the governor of Gaza, and Dr Usama al-Farra, the governor of Khan Younis district, who remain in detention. Two senior Fatah leaders, including the leader of Fatah in Gaza have since been released and have reported that they were not tortured or ill-treated. Since 2 August, Hamas forces have detained dozens of members of one of Gaza's most powerful and well-armed clans (Gaza's clans are family-based political and armed groups) affiliated with Fatah, the Helliis clan. The detentions followed a day of fierce armed clashes between Hamas forces and members of the Helliis clan, which left some 10 dead and 100 injured and caused some 180 Helliis clan fighters to flee into Israel, where some were transferred to Jericho and others returned to the Gaza Strip.

BACKGROUND INFORMATION

In January 2006 Hamas won the PA parliamentary elections by a large majority and later formed a government led by Isma'il Haniyeh, although Fatah leader Mahmoud Abbas remains President of the PA. Over the next year, fighting increased between Hamas and Fatah security forces and militias. The formation of a

Hamas-Fatah government of national unity in March 2007 did not stop the clashes which escalated by May 2007. In June 2007 Hamas took control of all the Fatah-controlled security installations in Gaza. PA President Abbas dismissed the unity government and appointed an emergency government based in the West Bank. Hamas refused to recognize the emergency government and has continued to administer the Gaza Strip under a de facto administration. Since June 2007, Israel has imposed a tightened blockade on the Gaza Strip in reprisal for missile attacks on Israel by Palestinian armed groups. The blockade remains in place despite a truce between Israel and Hamas, which has held since 19 June 2008.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- expressing concern at the incommunicado detention of over 200 people, and at reports that many of those detained have been tortured or otherwise ill-treated;
- urging that such abuses be stopped immediately;
- urging that detainees be allowed immediate access to lawyers, doctors, the Independent Commission for Human Rights and other human rights organizations, as well as to their families;
- calling on the Hamas leadership to immediately condemn the use of torture, to investigate allegations of torture and to hold accountable those responsible for torture, including beatings and other abuses.

APPEALS TO:

Isma'il Abd al Salam Ahmad Haniyeh
Hamis leadership in Gaza
Gaza Strip, Palestinian Authority

Fax: +972 (or 970) 8 288 4815

Salutation: Dear Mr Haniyeh

Dr Mahmoud Khaled Zahar
Hamis leadership in Gaza

Fax: + 972 (or 970) 8 286 8971

Salutation: Dear Dr Zahar

Mr Sa'id Muhammad Sha'aban Siyam
Hamis leadership in Gaza

Fax: +972 (or 970) 8 288 1994

Salutation: Dear Mr Siyam

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 September 2008.