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Occupied Palestinian Territories: Palestinian factional strife fuelling abuses

Interfactional fighting between Hamas and Fatah forces in the Gaza Strip earlier this year left 350 Palestinians dead and has been followed by further serious abuses in both the Gaza Strip and the West Bank, Amnesty International said in a new report published today.

The 57-page report, *Occupied Palestinian Territories: Torn apart by factional strife*, accuses Hamas of resorting increasingly to arbitrary detentions and torture since it took power last June in the Gaza Strip, and of allowing its forces to attack and assault peaceful demonstrators as well as journalists reporting on their protests. In the West Bank, the report blames security forces loyal to Palestinian Authority (PA) President Mahmoud Abbas of arbitrarily detaining hundreds of Hamas supporters but of failing to take action against Fatah militants responsible for abductions, arson and other attacks.

"The leaders of both the PA and Hamas must take immediate steps to break the cycle of impunity that continues to fuel abuses, including arbitrary detentions, abductions, torture and ill-treatment by their forces," said Malcolm Smart, Amnesty International's Middle East Programme Director. "The ongoing factional struggle between Fatah and Hamas is having a dire effect on the lives of Palestinians, especially in the Gaza Strip, compounding and exacerbating the human rights and humanitarian crisis caused by Israeli military campaigns and blockades."

The report calls for the establishment of an independent commission of experts to investigate human rights abuses committed by both parties since the beginning of 2006 and for the leaders on both sides to commit to implementing its recommendations.

According to the report, Palestinian interfactional fighting in the Gaza Strip reached unprecedented levels during the past year, culminating in June 2007 when Hamas seized control of Palestinian Authority security institutions in the territory. It argues that both PA and Hamas security forces and armed groups displayed a flagrant disregard for the safety of the civilian population by launching indiscriminate attacks and reckless gun battles in residential neighbourhoods. This left civilians virtually trapped like prisoners in their own homes while dozens of unarmed bystanders who were not involved in the confrontations, including children, were caught in the line of fire.

The report contains harrowing accounts from victims of both sides and from residents who were directly affected by the waves of armed clashes which took place in the Gaza Strip in June and previous months: "For three days we could not leave the house. Gunmen had taken position on tall buildings and were firing rockets at each others. We feared that a missile could come through the window any time," a resident of Gaza City told Amnesty International in June 2007.

Rival security forces whose responsibility it was to uphold and enforce the law, and to protect the population, betrayed this responsibility and instead acted as partisans, in concert with armed groups that serve as their proxy militias, and themselves broke the laws and committed gross abuses with complete impunity.

President Abbas' decision to suspend the operations of PA security forces and judicial institutions in the Gaza Strip following the de-facto takeover of Hamas in Gaza has created a legal and institutional vacuum. This paved the way for Hamas to establish a parallel security and law enforcement apparatus - but one which lacks appropriately trained personnel, accountability mechanisms or safeguards.

As a result, arbitrary detentions and torture of detainees by Hamas forces are now widespread in Gaza, as are attacks against demonstrators and journalists covering such incidents. The initial improvements in the security situation which followed Hamas' takeover in Gaza are fast being eroded .

In the West Bank, human rights abuses by PA security forces are also rife, though much less well publicised - as the international community is seemingly unwilling to rock the boat ahead of forthcoming US-convened conference aimed at resuscitating the long-stalled peace talks between the Israeli government and the PA emergency government.

Hundreds of Hamas supporters or presumed sympathizers have been arrested and arbitrarily detained by PA security forces, violations of legal detention procedures are routine and reports of torture or other ill-treatment are becoming more frequent. Detainees are held in sites not authorized by law for this purpose and security forces frequently ignore orders the judges' orders to release detainees for lack of evidence.

The PA emergency government has failed to hold to account Fatah gunmen who abducted Hamas supporters and burned down their houses, businesses and charity organizations suspected of links to Hamas in the West Bank - even though the perpetrators of these attacks were often known in their communities and acted in full view of the security forces.

The arrest and detention of more than 1,000 presumed Hamas supporters, most of whom are not accused of any crime, stands in stark contrast to the PA's failure to arrest and bring to justice members of the al-Aqsa Martyrs' Brigades, Fatah's armed wing, responsible for unlawful killings, hostage-taking, arson and other attacks against people and property.

"The lawlessness which has increasingly gripped the West Bank and Gaza Strip in recent years, culminating in the recent interfactional fighting, is to a large extent the result of the prolonged and systematic failure of the PA to uphold and enforce the law," said Malcolm Smart.

The report also calls on the international community to cease the sale or transfer of weapons to any parties until guarantees can be secured that they won't be used to violate human rights.

"The international community must hold all Palestinian parties accountable to the same human rights standards," said Malcolm Smart. "It must ensure that the population of the Gaza Strip is not punished for the positions and actions of the Hamas de-facto administration and that emergency assistance essential to fulfilling fundamental human rights is never used as a bargaining tool to further political goals."

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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