

Fatah and Hamas Human Rights Violations in the
Palestinian Occupied Territories from
June 2007 to October 2007

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Hamas Human Rights Violations in the Gaza Strip

I. Introduction

During this past June, Hamas and Fatah clashing peaked, devastating civilian lives throughout the Occupied Territories, and ultimately resulting in absolute Hamas control over the Gaza Strip. The horrific inter-factional violence between June 7th and June 14th, 2007 followed fifteen months of mounting tension and conflict between the two primary Palestinian political actors.

On January 26, 2006, Hamas won control of 74 out of the 132 Legislative Council seats that serve Fatah leader and Palestinian Authority President, Mahmoud Abbas (elected in January 2005).¹ The shocking Hamas triumph was attributed to Palestinian dissatisfaction with the Fatah Movement's corruption and complacent attitude towards Israel. As a result of increased Israeli military control over the Occupied Territories and more specifically, the construction of a 700 kilometer concrete barrier separating the West Bank from Israel, Palestinian resistance sentiments had heightened.² Resistance to the Israeli occupation had reached the forefront of concern for a Palestinian majority. Consequently, Fatah's appeasing conciliatory efforts were voted out of the Legislative Council.

Following the 2006 parliamentary elections, tremendous internal turmoil ensued. The shift in governmental control triggered a treacherous power-struggle between Fatah and Hamas that continued at the expense of Palestinian civilians. The two movements failed to uphold various peace agreements constituted in 2006 and 2007, and bloody conflict continued into June 2007, when Hamas initiated a rapid military conquest of the Gaza strip. In a single week of escalated fighting, in which 161 Palestinians were killed including 41 civilians, Hamas took control over every Fatah stronghold and governmental office throughout the Gaza Strip.³ P.A. President Abbas immediately dismissed the Hamas led government, formally dividing the Palestinian territories.

The governmental split has widespread implications for the future of the Palestinian people. Hamas has violated international humanitarian law and the United Nations Declaration of Human Rights on numerous counts and continues to threaten the safety of the Palestinian People. The continued fighting has killed hundreds of Palestinian men, women, and children throughout the Gaza Strip and the West Bank since last June. Hamas has committed human rights abuses against Fatah members, Christians, and various other individuals that have challenged its siege over the Gaza Strip. Hamas has

¹ "Palestinian Parliamentary Elections." The Electronic Intifada.
<<http://electronicintifada.net/bytopic/416.shtml>

² Abunimah, Ali. "Hamas Election Victory: A Vote for Clarity." The Electronic Intifada, 6 Jan. 2006.
<<http://electronicintifada.net/v2/article4425.shtml>.

³ Palestine Center for Human Rights. "Black Pages in the Absence of Justice: Report on Bloody Fighting the Gaza Strip from 7 to 14 June 2007." 9 Oct. 2007.

failed to progress towards more moderate, peace-oriented positions, and instead, has continued to rule with a complete disregard for human rights.

II. Human Rights Abuses during Takeover

Since its victory in the January 2006 parliamentary elections, Hamas has violated the human rights of numerous populations throughout the Palestinian Territories. From April 2006 through June 2007, Hamas committed various international war crimes against Fatah members. Hamas engaged in the capture, torture, and murder of Fatah members and leaders throughout the Palestinian Territories. Members of the Hamas stormed the homes of Fatah members with guns and weapons, wounding and sometimes killing selected targets and civilians during the months following Hamas' parliamentary victory.⁴

During the last week before Hamas' takeover of Gaza, violence against Fatah members escalated and numerous targeted attacks were executed. For example, on June 11th, 2007, Hamas captured and killed Jamal Abu El Jidian, the Secretary General of the Fatah movement. El Jidian's home, located in the town of Jabaliya in Northern Gaza, was shelled. His family and the family of another Fatah security member were also killed in the attack.⁵ Additionally, in seizing Fatah strongholds throughout the Gaza Strip, members of the Izzedine al-Qassam Brigades, the militant wing of Hamas, killed dozens of Fatah members and leaders. On June 14th, in capturing the Palestinian Preventive Security headquarters in Gaza, Hamas was reported to have executed several Fatah members and surrounding witnesses, killing over ten people in the raid. Hamas also threatened the families and affiliates of Fatah members, bringing guns and weapons into their homes throughout the deadly week. The fundamentalist Islamic movement also broadcasted hit-lists of Fatah leaders across Hamas controlled airwaves and threatened to infiltrate P.A. media outlets.

The human rights of civilians have also been gravely violated throughout Hamas' takeover of Gaza. Between June 7th and June 14th, 2007, rampant gunfire in the streets and indiscriminate attacks throughout the Gaza Strip halted civilian life. In particular, according to customary international humanitarian law, medical personnel and hospitals must be protected at all times.⁶ However, Hamas directly targeted hospitals, including Gaza City's Shifa Hospital, endangering patients and medical staff, and obstructing health care access to thousands.⁷

⁴ Palestine Center for Human Rights. "Black Pages in the Absence of Justice: Report on Bloody Fighting the Gaza Strip from 7 to 14 June 2007." 9 Oct. 2007.

⁵ Xinhua. "RPG Fired at Haneya House as Hamas-Fatah Clashes Going On." The People's Daily Online. 12 June 2007. <http://english.peopledaily.com.cn/200706/12/eng20070612_383380.html.

⁶ "Gaza: Armed Palestinian Groups Commit Grave Crimes." Human Rights Watch News. 13 June 2007. <<http://hrw.org/english/docs/2007/06/13/isrlpa16156.htm>.

Amnesty International. "Palestinian Authority: Fatah and Hamas Violations Leave Gaza's Civilians Trapped in their Homes – Growing Concerns About Violence Spreading to the West Bank." 15 June 2007.

A general state of lawlessness emerged during Hamas' siege of Gaza. Rampant gunfire on the streets, attacks on targeted Fatah members, bombings, kidnappings, and the lack of consolidated and effective law enforcement heightened feelings of insecurity among the Palestinians. The fear that emerged among the Gazan people perpetuated the culture of violence that still pervades the region. Hamas celebrated violence as an acceptable tool for conflict resolution which led to the increased misuse of firearms among civilians. During its takeover of Gaza, Hamas committed severe human rights abuses against Fatah members and civilians, ultimately failing to uphold the security and protection of the Palestinian people.

III. Human Rights Abuses Following Takeover

Since Hamas gained control over the Gaza Strip in June, the Izzedine al-Qassam Brigades have continued to commit atrocious human rights violations against the Palestinian people. Attacks on Fatah members have continued after Abbas' dismissal of the Hamas led government. In the last two months, Fatah rallies throughout Gaza have sparked inter-factional violence. For example, during the first week of August, over three hundred pro-Fatah Palestinians rallied in Gaza City for about twenty minutes before Hamas dispersed the group using clubs and riffle butts. Hamas security forces halted dozens of buses transporting Fatah supporters to the rally, taking Fatah flags and beating up passengers.⁸

In addition, Hamas has committed abuses against members of local and international media reporters in Gaza. During the early August pro-Fatah rally, Hamas security forces attacked television reporters and journalists and confiscated cameras at the scene. Hamas also infiltrated media agency offices based in Gaza City, taking recorded and written material from the rally.⁹ Following the raids, the Palestinian Journalist's Union proclaimed a three-day boycott of Hamas-organized events to protest media maltreatment in Gaza.

On August 31st, 2007, security forces forcibly dispersed Fatah supporters protesting Hamas control over Gaza at Friday prayer, injuring at least 8 people, including two foreign journalists.¹⁰ The following Friday, Fatah supporters again gathered for open air prayer in protest of Hamas' military takeover of Gaza. In response, Hamas broke up the

<<http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/2f23468462bd3e65852572fe006cb854!OpenDocument>.

⁸ The Associated Press. "Hamas Forcibly Breaks Up Rally in Gaza, Confiscates Cameras." Ha'aretz. 13 Aug. 2007. <<http://www.haaretz.com/hasen/spages/892872.html>.

⁹ The Associated Press. "Hamas Forcibly Breaks Up Rally in Gaza, Confiscates Cameras." Ha'aretz. 13 Aug. 2007. <<http://www.haaretz.com/hasen/spages/892872.html>.

¹⁰ Reuters. "Fatah Men Rally for Gaza Prayers, Defying Hamas" Alert News. 31 Aug. 2007. <<http://www.alertnet.org/thenews/newsdesk/L31919714.htm>

prayer meeting, beat and arrested dozens of participants, and once again targeted media agents reporting on the clash.¹¹

In addition to attacks on Fatah movement members and local and international media agents, numerous violations have been committed against the Christian communities under Hamas rule. Due to Hamas' desire to implement Shariah, strict Muslim law, many Christians in the Gaza Strip are considering fleeing under the threat of forced conversion.¹² Since June, a string of anti-Christian attacks have heightened fears among Christian citizens of Gaza. In late June, attacks on the Rosary Sister's School and the Latin Church caused over \$500,000 in damages. The masked gunmen responsible for the attack stormed the school and church using grenades to blow the entrances. In addition, at the end of September, Claire Farah Tarazi, an 80 year-old Christian Palestinian women, was assaulted in her home during a targeted robbery. The masked gun-men referred to Tarazi as an "infidel," implicating that the attack was religiously motivated.¹³

Again, on October 7th, the body of a prominent Christian bookstore owner, Rami Ayyad, was found beaten, mauled, and shot outside of his store, the only Christian bookstore in Gaza City. The murder reflects increasing tension among the Christian community in the Gaza Strip under Hamas leadership.¹⁴ Muslim extremists also bombed his bookshop about six months ago. While the Christian community has sought additional protection under the Hamas government, continued attacks threaten the community's stability and security under fundamentalist Islamic control.

IV. Conclusion

Since January 2006, Hamas has violated international humanitarian law on numerous counts and gravely neglected the human rights of the Palestinian people. Hamas must halt the massive use of violence against Fatah members and supporters, Christians, and other Palestinian civilians. Hamas will only achieve legitimacy from Fatah and the international community once it reforms its fundamentalist policies and respects the human rights of the Palestinian people.

The grave offences of Hamas must be brought to justice with the help of an outside arbitrator. The Palestinian Human Rights Monitoring Group calls for the just prosecution of Hamas' war crimes and a move away from the use of gunfire and violence throughout

¹¹ Abu Alouf, Rushdi and Ellington Ken. "Hamas Targets Fatah Prayer Rallies in Gaza Strip." L.A. Times. 7 Sept. 2007. <<http://www.latimes.com/news/nationworld/world/la-fg-gaza9sep08,0,200376.story>.

¹² CNA. "Christians Fears Threats by Islamists Hamas." Spero News. 18 Aug. 2007. <<http://www.speroforum.com/site/article.asp?idarticle=10736&t=Christians+fear+threats+by+Islamist+Hamas>.

¹³ Cole, Ethan. "Attack on 80-Year-Old Christian Escalates Fears in Gaza." The Christian Post. 30 Sept. 2007. <http://www.christianpost.com/article/20070930/29512_Attack_on_80-Year-Old_Christian_Escalates_Fears_in_Gaza.htm.

¹⁴ Martine, Allie. "Prominent Palestinian Christian Kidnapped, Murdered." One News Now. 10 Oct. 2007. <http://www.onenewsnow.com/2007/10/prominent_palestinian_christia.php.

the Gaza Strip by Hamas security forces and Palestinian civilians. The PHRMG calls for the return of peace and security to the Palestinian people under leadership that respects the humans rights of its citizens.

Fatah Human Rights Violations in the West Bank

I. Introduction

During a horrifying week of heightened inter-factional fighting, between June 7th and June 14th, 2007, Palestinian National Authority President, Mahmoud Abbas declared a state of emergency in the Palestinian Occupied Territories. While tension between Fatah and Hamas had been mounting since Hamas' victory in the January 2006 Parliamentary Elections, this round of clashing unfolded some of the most brutal violence yet between the struggling political powers. Following Abbas' decree, based on the seventh chapter of the amended Palestinian Basic Law, there was a series of arrests of Hamas affiliates and individuals in possession of firearms throughout the West Bank.¹⁵

During the month of June, Fatah flagrantly violated Palestinian law and committed numerous human rights abuses in their illegal detainment and arrest of Hamas supporters, their families, and members of local media agencies. For example, Article 111 of Palestinian Basic Law outlines the following regulations for arrests under a declared state of emergency: any detention must be reviewed by the Attorney General or a competent court within a fifteen day period of the arrest, and the defendant has the right to select and appoint a lawyer.¹⁶

In addition, according to Penal Procedures Code under the Palestinian National Authority, no individual can be arrested or detained without the consent of a competent party. Holding security forces cannot induce physical or psychological pain to the detainee. Finally, the detained individual cannot be subjected to house searches at night, unless absolutely necessary.¹⁷ Fatah security forces in the West Bank defied the penal procedures and basic law stipulated above immediately following the state of emergency decree in June. However, Fatah abuses in regards to illegal arrest and abuse of detainees have also heavily persisted over the course of the last four months.

II. Fatah Human Rights Violations in June: Immediately Following the State of Emergency Decree

¹⁵ The Palestinian Independent Commission for Citizens' Rights (2007). Arrests in the West Bank Following the Declaration of the State of Emergency of June 14, 2007. 2.

¹⁶ PICCR, 2

¹⁷ PICRR, 3

Throughout June, a shocking disregard for Palestinian Basic Law and customary human rights standards pervaded Fatah security forces throughout the West Bank. First, many detainees were held in detention centers for more than fifteen days without review by the Attorney General. Some of these detention centers gravely violated health and safety regulations and were not inspected by the Attorney General.¹⁸ The detention centers often lacked proper air ventilation, lighting, and a sufficient number of bathroom facilities. The centers also usually suffered from severe overcrowding. While appropriate medical services were available to detainees, some reports indicate that certain medicines were unavailable at the detention center medical facilities.¹⁹

Second, many individuals detained during the initial period following the decree, in which Abbas outlawed the Executive Force and Hamas militia, were severely tortured, physically and emotionally. Many detainees testified that excessive force was used during their arrests. Some reported that they received death threats and that their families were threatened with violence as well. Some individuals claimed that they had been blindfolded for extended periods of time and transported in the trunks of vehicles.²⁰

Third, some families and friends of detainees claimed that they had never received official word about the detainment or arrest of their loved one. Many individuals were also prohibited from establishing contact with friends or family during their detainment and therefore, could not secure the services of a defense attorney. The rejection of a detainee's right to appoint a lawyer constitutes a fundamental violation of human rights.²¹

Fourth, arrests were often conducted by parties that were not authorized law enforcement. In the majority of cases, the forces involved in the arrests refused to identify themselves and, as previously mentioned, used extreme force during the arrest. Detainee reports indicate that the arresting parties often failed to show an arrest or search warrant. They were sometimes responsible for the destruction of detainee property and conducted house searches at night.²²

III. Fatah Human Rights Violations from July 2007 through October 2007

Fatah's violent arrests and unwarranted detentions of Hamas supporters and media agents still persist with appalling frequency throughout the West Bank. In particular, Fatah security forces have continued the violent torture of Hamas affiliates. On September 30th, 2007, Rasem Khattab Hasan Mostafa from Nablus, was transferred to Rafedia Hospital with severe beating marks on his head after interrogation by the Military Intelligence Service. The M.I.S. captured Mostafa on September 26th, 2007 when gunmen raided the

¹⁸ PICRR, 4

¹⁹ PICRR, 6

²⁰ PICRR, 4

²¹ PICRR, 4

²² PICRR, 5

Andaleeb Nursing School in the Women's Union Hospital in Nablus. The force used gunfire to disperse the students, and then took Mostafa to an undisclosed location.²³

On September 5th, 2007, four school principles in Nablus were summoned by the Palestinian General Intelligence and taken with sacks over their heads to J'neid Prison. They were detained until September 13th, when only three of the four principles were released. On September 14th, three men in a village near Nablus were detained and tortured by the Palestinian General Intelligence. One released detainee claimed that he was severely beaten, blindfolded, bound, and terrorized with sounds of gunfire. On September 17th, 2007, five teachers were detained at a check point while traveling to school. They were taken to the Military Intelligence Compound in Nablus, and then to J'neid Prison. Three of the teachers were released that night, while two remained imprisoned.²⁴

In addition to the violence committed directly against arrested individuals, the families of detained and/or imprisoned Palestinians in the West Bank have also been threatened and physically abused by Fatah security forces. While this category of abuses is not well-documented (due to victim fear and desire for anonymity), there have been numerous cases of family abuses. On August 21st, 2007, during the arrest of his son Mohammad Ali (30) from his home, Ahmad Taher Ahmad Mohsin (92) and several other relatives were beaten while attempting to prevent the arrest. The security forces also riddled the home's interior with gunfire during the operation. Again, on August 28th, 2007, members of the Preventive Security Apparatus attacked Fawwaz Hisham Hussein El-Tarada's family in their home. Tarada was also tortured during his interrogation on account of his ties with Hamas and the Executive Force.²⁵

Since Abbas' formal dismissal of Gaza's Hamas led government and state of emergency decree, there has been an alarming increase in media arrests and torture cases in the West Bank. For example, on October 7, 2007, members of the Iqra T.V. channel media crew were arrested in Ramallah by the Preventive Security Forces on the charge of reporting to an enemy entity. Once taken to the security services headquarters, the media crew was beaten and tortured during interrogation. The attack constituted a violation of freedom of press and freedom of speech rights stipulated in Palestinian Basic Law and international law.²⁶

²³ Palestinian Center for Human Rights. (1 Oct. 2007). *PCHR Condemns Continued Torture by Security Forces in the West Bank*. Press Release. <<http://www.pchrgaza.org/files/PressR/English/2007/130-2007.html>.

²⁴ Palestinian Center for Human Rights (19 Sept. 2007). *PCHR Calls for Investigating Torture and Abuse by Palestinian Security Forces in the West Bank*. Press Release. <<http://www.pchrgaza.org/files/PressR/English/2007/122-2007.html>.

²⁵ Palestinian Center for Human Rights (3 Sept. 2007). *Families of Detainees Assaulted and Detainees Tortured and Mistreated*. Press Release. <<http://www.pchrgaza.org/files/PressR/English/2007/113-2007.html>.

²⁶ Palestinian Center for Human Rights (8 Oct. 2007). *PCHR Condemns Arresting and Torturing Iqra TV Media Crew in Ramallah by the Preventive Security*. Press Release. <<http://www.pchrgaza.org/files/PressR/English/2007/135-2007.html>.

In addition to targeted attacks on Hamas supporters, and members of the media, Fatah has been obstructing the Palestinian right to peacefully assemble, dispersing various politically-oriented rallies and gatherings. On August 22nd, 2007, the Public Relations Department in the Palestinian Police Nablus Directorate stated that Colonel Ahmad El-Sharqawi banned organizing and assembling except with the permission from a party formally recognized by Palestinian law. El-Sharqawi's declaration is in blatant violation of Palestinian Basic law which permits citizens to peacefully assemble. The decision has also had threatening implications for the rights of Palestinian people in other parts of the West Bank.²⁷

On September 9th, 2007, Palestinian security forces dispersed a rally organized by Hebron University's Student Council (controlled by the pro-Hamas Islamic Bloc) on a main street in front of the university. Women and men police officers used sticks to disperse the students, injuring several attendees. Security forces also attacked photographers and journalists, and some were detained while trying to cover the rally.²⁸

Again, on September 22nd, 2007, dozens of wives of political prisoners and female members of Hamas demonstrated from Jamal Abdel Naser Mosque towards El-Manara Square in Ramallah. Just before reaching the square, police forces used tear gas to disperse the crowd.²⁹ The forced dispersion reflects a dangerous move towards the elimination of free speech and the right to peacefully assemble and organize in the West Bank.

IV. Conclusion

Over the last four months, Fatah has brazenly violated Palestinian Basic law and international human rights standards throughout the West Bank. Since Fatah-Hamas clashing peaked in June and Abbas decreed a State of Emergency in the Palestinian Occupied Territories, Fatah security forces have committed grave offences against Hamas supporters and their families as well as media agents throughout the West Bank territory.

The Palestinian Human Rights Monitoring Group calls on Mahmoud Abbas and his government to uphold Palestinian Basic Law and the Palestinian Penal Code and abide by international human rights standards. Fatah must halt the illegal detainment, arrest, and torture of Hamas affiliates and their families and restore necessary legal procedures to

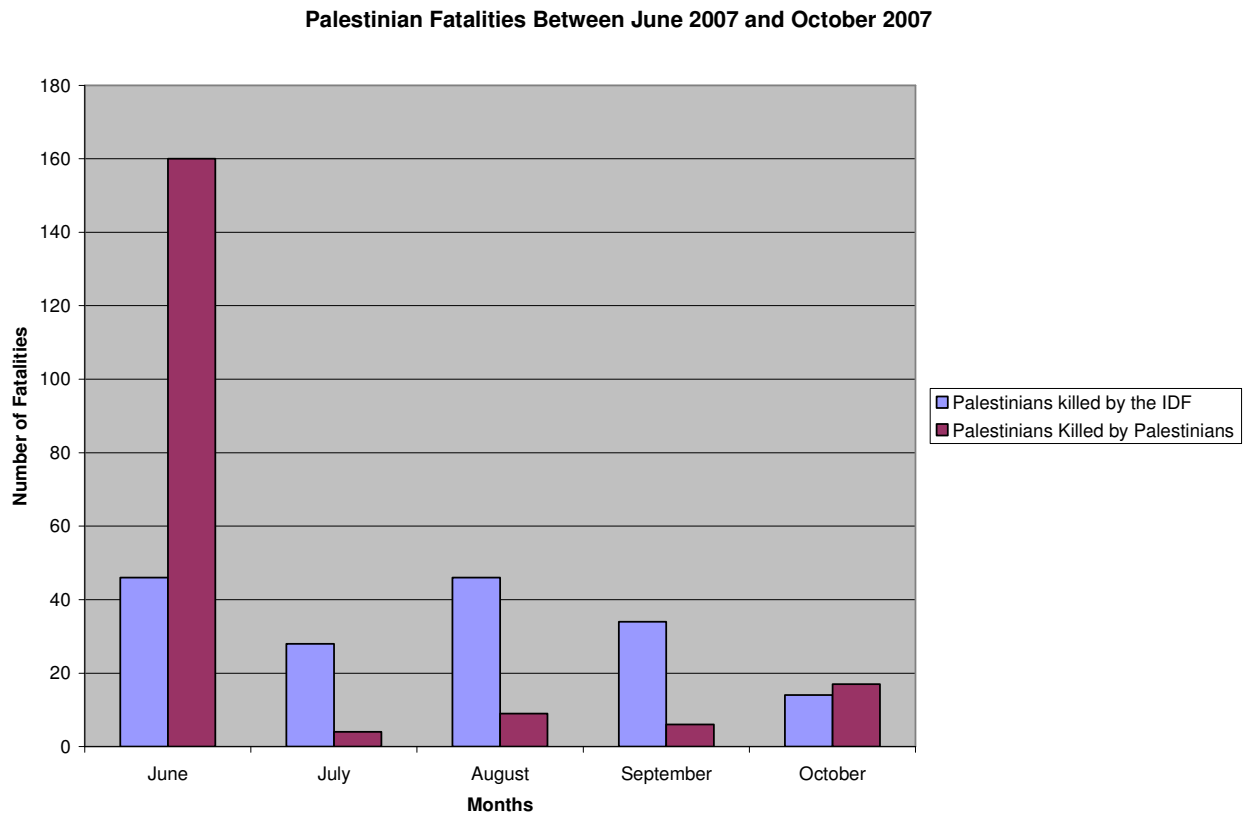
²⁷ Palestinian Center for Human Rights (26 Aug. 2007). *PCHR Calls for Rescinding the Decision of the Nablus Police Chief for Licensing Peaceful Demonstrations*. Press Release.
<<http://www.pchrgaza.org/files/PressR/English/2007/108-2007.html>.

²⁸ Palestinian Center for Human Rights (10 Sept. 2007). *PCHR Condemns Use of Force to Disperse Student Conference and Attacks on Journalists in Hebron*. Press Release.
<<http://www.pchrgaza.org/files/PressR/English/2007/119-2007.html>.

²⁹ Palestinian Center for Human Rights (23 Sept. 2007). *Palestinian Security Uses Force to Disperse Peaceful Women's Rally*. Press Release.
<<http://www.pchrgaza.org/files/PressR/English/2007/125-2007.html>.

ensure the proper representation of defendants and just trials. The PHRMG also affirms that arrests must be conducted by legitimate law enforcement parties authorized by the Attorney General. The PHRMG calls on Abbas and his government to effectively prosecute individuals for previous breaches in the law.

Additionally, the PHRMG fervently condemns attacks on domestic and international media agents. The working rights of journalists, photographers, and reporters located in the territories must be universally respected. The PHRMG confirms that freedom of expression is stipulated in Palestinian Basic Law and international human rights instruments. Finally, Palestinians must be guaranteed the right to assemble as a means of peaceful protest throughout the West Bank. The PHRMG calls on Abbas and his government's security forces to respect this fundamental human right.



*** Reflective of statistics collected by *PHMRG* and *B'tselem*, the Israeli Information Center for Human Rights in the Occupied Territories.