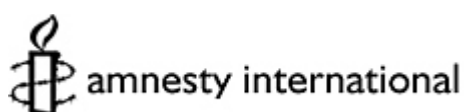


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Amnesty International Annual Report 2011 - Palestinian Authority

Head of Palestinian Authority: **Mahmoud Abbas**

Head of government: **Salam Fayyad**

Death penalty: **retentionist**

Population: **4.4 million**

Life expectancy: **73.9 years**

Under-5 mortality (m/f): **23/18 per 1,000**

Adult literacy: **94.1 per cent**

In the West Bank, the security forces of the Fatah-controlled Palestinian Authority (PA) arbitrarily detained people connected with Hamas, while in the Gaza Strip the Hamas de facto administration arbitrarily detained people connected with Fatah. In both areas, detainees were tortured and otherwise ill-treated with virtual impunity. Both the PA and Hamas restricted freedom of expression and association. In Gaza, at least 11 people were sentenced to death and five executions were carried out, the first since 2005. The humanitarian crisis for the Gaza Strip's 1.5 million residents deepened as Israel's military blockade of the territory, as well as sanctions on the de facto Hamas authorities imposed by other states, were maintained.

Background

The West Bank, including East Jerusalem, and the Gaza Strip remained under Israeli occupation, although two separate non-state Palestinian authorities operated with limited powers – the Fatah-led caretaker PA government in the West Bank headed by Prime Minister Salam Fayyad; and the Hamas de facto administration in Gaza headed by former PA Prime Minister Isma'il Haniyeh. Tension between Fatah and Hamas remained high.

Hamas and its affiliated armed groups largely maintained the unofficial ceasefire with Israel in force since January 2009, but other Palestinian armed groups sporadically fired indiscriminate rockets and mortars from Gaza into southern Israel.

The PA continued to be recognized internationally as the sole representative of Palestinians and participated in new negotiations for a political settlement with Israel convened by the US government in September. The talks broke down when Israel refused to extend a partial moratorium on construction in Israeli settlements in the West Bank, excluding East Jerusalem. Hamas was excluded from any formal involvement in the negotiations.

Israel maintained control of Gaza's borders and airspace, and imposed extensive restrictions on movement throughout the West Bank. Israel's continuing military blockade of Gaza severely affected living conditions for inhabitants, exacerbating the humanitarian crisis there. Some 80 per cent of Gazans were reliant on international humanitarian relief. Movement of people into and out of Gaza was strictly controlled and limited, even for those seriously ill and in need of specialist medical treatment not available in Gaza. The continuing ban by Israel on a wide range of imports, despite some "easing" announced in June and December, had a severely negative impact on food security, health and local infrastructure. The blockade constituted collective punishment, a breach of international humanitarian law. Some 46 Palestinians were killed and 89 others were injured in underground tunnels used for smuggling basic goods into Gaza from Egypt; they died or were injured as a result of Israeli air strikes, tunnel collapses and other accidents.

Several Latin American states formally recognized Palestine as an independent state on the basis of its 1967 borders.

The Hamas authorities failed to investigate alleged war crimes and possible crimes against humanity committed by Hamas' military wing and other Palestinian armed groups during Operation "Cast Lead", the 22-day military offensive launched by Israel that ended on 18 January 2009. In September 2009, the UN Fact Finding Mission's report had recommended that both Israel and the relevant Palestinian authorities be given six months to investigate and prosecute those responsible for war crimes committed during the conflict. The Hamas de facto administration, in a report submitted to the UN in February, denied that Palestinian armed groups had targeted civilians. A committee appointed by Hamas stated in another report published in July that there was no "credible testimony" to charge individuals with intentionally targeting Israeli civilians.

Hamas continued to deny Gilad Shalit, an Israeli soldier taken captive in June 2006, access to the ICRC or visits from his family.

Arbitrary arrests and detentions

PA security forces in the West Bank arbitrarily arrested and detained suspected Hamas supporters, and Hamas security forces in Gaza arbitrarily arrested and detained suspected Fatah supporters. In both areas, the authorities gave the security forces wide powers of discretion, including to arrest and detain suspects in breach of the law and to torture and otherwise ill-treat them with impunity. The Independent Commission for Human Rights (ICHR) reported receiving complaints of more than 1,400 arbitrary arrests in the West Bank and more than 300 in Gaza.

Torture and other ill-treatment

Torture and other ill-treatment of detainees by security and police forces were reported – by the PA's Preventive Security force and the General Intelligence Service in the West Bank; and by Internal Security in Gaza. The ICHR said it had received over 150 complaints of torture or other ill-treatment by the PA in the West Bank and over 200 by Hamas in Gaza. New reports emerged of cases from 2009.

In both areas, torture and other ill-treatment were committed with impunity. In a rare prosecution, five members of the PA's General Intelligence Service were tried during 2010 in connection with the death in custody of Haitham Amr in June 2009, but were acquitted by a military court.

- Mohammed Baraka Abdel-Aziz Abu-Moailek was reported to have been tortured by Internal Security officials in Gaza. He was held incommunicado for more than 50 days after his arrest in April 2009 on suspicion of "collaboration" with Israel. He said he was tortured with electric shocks, beaten on the soles of his feet (the *falaqa* method), burned with cigarettes and threatened with death to force him to confess. He remained on trial and in detention at the end of 2010.
- Ahmed Salhab, a mechanic, was reported to have been tortured following arrest in September by PA security officials, allegedly for suspected association with Hamas. He said he was tied tightly in stress positions for long periods (the *shabeh*

method). This exacerbated a serious back injury caused by previous torture by PA security officials. He was released without charge in October.

One death in custody following an assault by police was reported in Gaza.

- Nazira Jaddou'a al-Sweirki died on 1 January shortly after she was hit on the back and otherwise assaulted by police in Gaza. Three of her adult sons were beaten and two were detained on suspicion of supporting Fatah.

Justice system

In the West Bank, the security authorities failed to comply with many court orders to release detainees. The PA continued to prohibit former members of the judiciary and police from working for the Hamas de facto administration in Gaza. In Gaza, the Hamas administration continued to use alternative prosecutors and judges who lacked appropriate training, qualifications and independence.

Death penalty

In Gaza, military and criminal courts sentenced at least 11 people to death. Five men were executed after trials that failed to meet international fair trial standards – two in April who had been convicted of "collaboration" with Israel; and three in May who had been convicted of murder.

Freedom of expression and association

Both the PA in the West Bank and the Hamas de facto administration in Gaza maintained tight controls on freedom of expression, and harassed and prosecuted journalists, bloggers and other critics.

- Walid al-Husayin, a blogger, was detained by the General Intelligence Service on 31 October in the West Bank town of Qalqilya. He was suspected of posting comments on his blog advocating atheism and criticizing Islam and other religions. He remained held at the end of the year.
- Paul Martin, a British journalist, was arrested in February by the Hamas authorities in Gaza after he tried to help a man accused of "collaboration" with Israel. Paul Martin was initially accused of spying for Israel but was released after 25 days in custody without charge.

The PA and Hamas authorities restricted freedom of association. Both prevented the Islamist organization Hizb ut-Tahrir from holding meetings, forcibly dispersed peaceful protests, and restricted the activities of other political parties and NGOs.

- On 25 August in Ramallah, PA security officials forcibly dispersed a peaceful protest against the PA's agreement to participate in new peace talks with Israel. Journalists, photographers and human rights monitors were among those assaulted.
- The South Society for Women's Health, an NGO providing family planning advice to women in Rafah, was reported to have been forced to close for three weeks from 31 May by the Hamas authorities and then only allowed to reopen under Interior Ministry supervision. Two other women's NGOs in Rafah were also closed on 31 May.
- The Sharek Youth Forum, an NGO funded by the UN Development Programme and operating in both the West Bank and Gaza Strip, was issued with a temporary closure notice in Gaza on 30 November, following several months of harassment by the Hamas authorities. Its Gaza offices remained closed at the end of 2010.

Abuses by armed groups

Palestinian armed groups associated with Fatah, Islamic Jihad and the Popular Front for the Liberation of Palestine fired indiscriminate rockets and mortars into southern Israel, killing one civilian, a migrant worker from Thailand, on 18 March, and endangering the

lives of others. The scale of rocket fire was much reduced compared to previous years. Israeli forces launched attacks on those they held responsible.

In May and June, unidentified Palestinian gunmen burned facilities in Gaza used by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for its summer games programme for children.

In the West Bank, four Israelis, including a pregnant woman, were killed on 31 August near the Kiryat Arba Israeli settlement as new US-sponsored negotiations between Israel and the PA were about to begin. The following day, two other Israelis were shot and wounded near another settlement, Kochav Hashachar. The Izz al-Din al-Qassam brigades, the military wing of Hamas, claimed responsibility for both attacks.

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