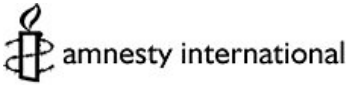


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Amnesty International Report 2015/16 - The State of the World's Human Rights - Palestine (State of)

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip both restricted freedom of expression, including by arresting and detaining critics and political opponents. They also restricted the right to peaceful assembly and used excessive force to disperse some protests. Torture and other ill-treatment of detainees remained common in both Gaza and the West Bank. Unfair trials of civilians before military courts continued in Gaza; detainees were held without charge or trial in the West Bank. Women and girls faced discrimination and violence; some were victims of so-called "honour" killings by male relatives. Courts in both Gaza and the West Bank imposed death sentences; no executions were reported. Neither the Palestinian authorities in the West Bank nor the Hamas authorities in Gaza took steps to investigate and ensure accountability for war crimes and other serious abuses, including summary killings, committed during the 2014 conflict with Israel and previous conflicts.

Background

Negotiations between Israel and the Palestinian government and institutions under Mahmoud Abbas remained stalled throughout the year. Continuing tensions between Fatah and Hamas undermined the Palestinian national unity government formed in June 2014. Hamas continued to exercise de facto authority in Gaza, where it announced a new security force in July after President Abbas made changes to the cabinet of the unity government. Reports that Hamas engaged in indirect negotiations with Israel regarding a possible ceasefire and lifting of Israel's air, sea and land blockade of Gaza further heightened tensions between Fatah and Hamas. In January, the State of Palestine applied to join the ICC; Israel opposed Palestine's application and withheld tax revenue payments due to the Palestinian authorities until April. Palestine formally joined the ICC in April. In September, President Abbas told the UN General Assembly that the Palestine Liberation Organization would no longer abide by commitments it made under the Oslo Accords, the 1990s peace agreements it signed with Israel, while the Israeli authorities continued to violate them; however, security co-operation between Palestinian security forces in the West Bank and Israel continued.

Gaza remained under an Israeli air, sea and land blockade, in force continuously since June 2007. The continuing restrictions on imports of construction materials under the blockade contributed to severe delays in reconstruction of homes and other infrastructure damaged or destroyed in recent armed conflicts and widespread impoverishment among Gaza's 1.8 million inhabitants. The Egyptian authorities tightly restricted movement through Gaza's only other access to the outside world, closing the Rafah Crossing for almost the entire year, and destroying hundreds of tunnels used for smuggling between Gaza and Egypt. Within Gaza, there were sporadic clashes between Hamas forces and supporters of Salafist and other Palestinian armed groups, some of whom occasionally fired indiscriminate rockets towards and into Israel from Gaza.

The West Bank saw rising tension between Palestinians and Israelis, particularly from September, when Israel further curtailed Palestinian access to the Al-Aqsa Mosque in Jerusalem, heightening protests and clashes between Palestinian demonstrators and Israeli forces. The last three months of the year saw a surge in Palestinian protests against the Israeli occupation and in attacks by Palestinians on Israeli forces and civilians, to which Israeli troops and police responded with lethal force. Seventeen Israeli civilians were killed by Palestinian attackers during this period, mostly acting alone and not affiliated with armed groups, while Israeli forces killed more than 130 Palestinians in the West Bank, Gaza Strip, and inside Israel.

Arbitrary arrests and detentions

Security authorities in the West Bank, including Preventative Security and General Intelligence, and those in Gaza, particularly Internal Security, arbitrarily arrested and detained their critics, including supporters of rival political organizations.

Unfair trials

In both the West Bank and Gaza, political and judicial authorities failed to ensure adherence to basic due process rights, such as prompt access to legal counsel and to charge or release. Palestinian security forces in the West Bank held detainees for long periods without trial on orders of regional governors, and delayed or failed to comply with court orders for the release of detainees in dozens of cases. In Gaza, Hamas military courts continued to convict defendants in unfair trials, sentencing some to death.

Torture and other ill-treatment

Torture and other ill-treatment of detainees remained common and was committed with impunity by Palestinian police and other security forces in the West Bank, and Hamas police and other security forces in Gaza. In both areas, the victims included children. The Independent Commission for Human Rights, Palestine's national human rights institution, reported receiving a total of 613 allegations of torture and other ill-treatment of detainees between January and November, 179 from the West Bank and 434 from Gaza, with the majority of complaints in both areas against police. Neither the Palestine national unity government nor the Hamas de facto administration in Gaza independently investigated torture allegations or held perpetrators to account.

Freedoms of expression, association and assembly

The national unity government and Hamas severely curtailed the rights to freedom of expression, association and peaceful assembly in the West Bank and Gaza respectively. In both areas, security forces arrested and detained critics or supporters of rival political organizations; in the West Bank, security forces detained Hamas supporters, while in Gaza, Hamas security forces detained supporters of Fatah. Security forces in both areas dispersed opposition protests, sometimes using excessive force, and assaulted journalists reporting on protests, damaged their equipment and harassed them and social media activists, including by repeatedly summoning them for questioning.

In the West Bank, Preventative Security officers detained Birzeit University student Bara' al-Qadi for 13 days after arresting him in January for criticizing a government official in comments he posted on the website Facebook. Preventative Security officers also detained and questioned other student activists, some of whom filed complaints alleging ill-treatment, after a Hamas-affiliated student group won Birzeit University's student council elections in April.

Excessive use of force

Security forces were accused of using excessive force to disperse protests and when attempting to make arrests in both the West Bank and Gaza.

In the West Bank in March, police and other security agents used force to break up a peaceful sit-in protest in Ramallah by relatives of political detainees held by the authorities, kicking protesters and hitting them with gun butts. In June, police raids on homes in Balata, the West Bank's largest refugee camp, sparked violent confrontations. At least one camp resident was wounded by gunfire. Some camp residents who were arrested and later released said they had been tortured in detention.

In Gaza, police beat demonstrators in Khuza'a, near the city of Khan Younis, who were protesting against recurrent power cuts in March; several protesters were injured and some were arrested. In September, police forcibly dispersed renewed protests against power shortages in the city of Rafah, beating demonstrators and seizing film and equipment from journalists covering the protests.

On 2 June, Gaza security forces killed Yunis Sa'id al-Hunnar, an Islamist activist and Hamas opponent, during a raid on his home in the Sheikh Redwan area of Gaza City. The Gaza Ministry of the Interior said security forces shot him dead after he refused to surrender and opened fire on them; however, the authorities failed to conduct an independent investigation. On 8 July, Gaza police officers killed one man and wounded two other people during a disturbance following a funeral.

Abuses by armed groups

Palestinian armed groups in Gaza occasionally fired indiscriminate rockets into Israel; no deaths resulted. While the Hamas authorities prevented rocket firing much of the time, they failed to prosecute those responsible.

While most of the Palestinian attackers responsible for stabbing, shooting and carrying out other attacks on Israelis in the West Bank and Israel, which killed 21 Israeli civilians and a US national during the year, were not members of Palestinian armed groups, these groups frequently praised the attacks.

Impunity

A climate of impunity continued to prevail. The authorities again failed to investigate unlawful killings, including summary executions, and the firing of indiscriminate weapons and other alleged war crimes committed by the military wing of Hamas and other Palestinian armed groups during armed conflicts with Israel in 2014 and previously. Nor did they conduct independent investigations or hold to account officials responsible for torturing and ill-treating detainees or using excessive force against protesters.

Women's rights

Women and girls continued to face discrimination in law and in practice, and were inadequately protected against sexual and other violence, including so-called "honour" killings. At least 18 women and girls were reported to be victims of such killings during the year.

Death penalty

The death penalty remained in force for murder and other crimes. Courts in the West Bank handed down three death sentences; courts in Gaza issued at least 10. There were no executions.

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