

Briefing

Israel/Occupied Palestinian Territories: Hamas' deadly campaign in the shadow of the war in Gaza

Since the end of December 2008, during and after the Israeli military offensive which killed some 1,300 Palestinians, most of them civilians, Hamas forces and militias in the Gaza Strip have engaged in a campaign of abductions, deliberate and unlawful killings, torture and death threats against those they accuse of "collaborating" with Israel, as well as opponents and critics.

At least two dozen men have been shot dead by Hamas gunmen in this period. Scores of others have been shot in the legs, kneecapped or inflicted with other injuries intended to cause permanent disability, subjected to severe beatings which have caused multiple fractures and other injuries, or otherwise tortured or ill-treated.

The targets of Hamas' deadly campaign include former detainees accused of "collaborating" with the Israeli army who escaped from Gaza's Central Prison when it was bombed by Israeli forces on 28 December 2008, as well as former members of the Palestinian Authority (PA) security forces and other activists of PA President Mahmoud Abbas' Fatah party.

The campaign began shortly after the beginning of the three-week Israeli military offensive against the Gaza Strip on 27 December 2008 and continued after a ceasefire took effect on 18 January 2009.

Most of the victims were abducted from their homes; they were later dumped – dead or injured – in isolated areas, or were found dead in the morgue of one of Gaza's hospitals. Some were shot dead in the hospitals where they were receiving treatment for injuries they sustained in the Israeli bombardment of Gaza's Central Prison. The perpetrators of these attacks did not conceal their weapons or keep a low profile, but, on the contrary, behaved in a carefree and confident – almost ostentatious – manner.

Among the cases investigated by Amnesty International are the deliberate killings of three brothers from the Abu 'Ashbiyeh family, 'Atef, Mohammed and Mahmoud, from Jabalia (north Gaza), who were all killed within 24 hours of escaping from Gaza's Central Prison. One of the brothers, Mahmoud, aged 24, reached the family home in the middle of the afternoon of 28 December but an hour later a group of gunmen came to the house and took him away. His body was found hours later in the morgue of Kamal 'Adwan hospital in Beit Lahiya (north Gaza) with abdomen and head wounds. The following day the bodies of his two brothers, 26-year-old Mohammed and 39-year-old 'Atef, were found in the morgue of al-Shifa hospital in Gaza City, both with gunshot wounds in the head, chest and abdomen. The three had been in detention since March 2008 and were accused of "collaborating" with the Israeli army. They had first been held in the notorious al-Mashtal detention centre, north of Gaza City, run by the Internal Security Force (previously run by Hamas' armed militia, the Izz al-Din al-Qassam Brigades).

Jamal al-Ghandour, in his mid-50s, was shot dead in his bed in al-Shifa hospital at about 4pm on 28 December by unmasked gunmen wearing plain clothes in front of relatives and other witnesses. Also present were uniformed members of Hamas security forces, who took no action to prevent the killing or to apprehend the perpetrators. Jamal al-Ghandour was receiving treatment for injuries he had sustained that morning in the Israeli bombardment of Gaza's Central Prison, where he had been detained with his son since January 2008; both were accused of "collaborating" with the Israeli army.

Amnesty International est une organisation mondiale, oeuvrant à la promotion et à la défense des droits humains fondamentaux. Indépendante et impartiale, Amnesty International fonde son action sur la rapidité et l'efficacité de l'aide aux victimes des violations des droits de la personne.

Ses activités sont financées par ses seuls membres et par des dons privés.

Amnesty International ist eine weltweite Bewegung, die für die Förderung und Verteidigung der fundamentalen Menschenrechte arbeitet. Unabhängig und unparteilich, zielen ihre Aktionen auf schnellste und wirksame Hilfe für die Opfer von Menschenrechtsverletzungen.

Die Aktivitäten der Organisation sind nur durch ihre Mitglieder und mit privaten Spenden finanziert.

As well as those accused of “collaboration” with the Israeli army, other detainees from Gaza Central Prison were found dead with gunshot wounds hours after the prison was bombed by Israeli forces and the detainees fled. Among them was Nasser Mohammed Mhanna, a 34-year-old father of six, and a commander of the al-Aqsa Martyrs’ Brigades, Fatah’s armed militia. Nasser Mohammed Mhanna had been detained since August 2008 and was serving a two-year prison sentence on charges of participating in the attempted assassination of Hamas’ deposed Prime Minister Isma’il Haniyeh. On the afternoon of 28 December 2008 his body was found in al-Nafaq Road, on the outskirts of Gaza City. He had been shot in the head and eye from close range.

There is no doubt that those mentioned above and many other victims were abducted, killed, shot and tortured by Hamas forces and militias as they are the only ones who are allowed to operate with such a degree of freedom throughout Gaza.

Since its violent takeover and subsequent imposition of its de-facto authority in the Gaza Strip in June 2007, the Hamas political leadership and its forces and armed militias have taken pride in the fact that they have banned other Palestinian armed groups from holding or carrying firearms. Even though some armed groups affiliated to other political factions and some tribal clans are still armed, they are not allowed to carry firearms in public. In its visits to the Gaza Strip since June 2007 Amnesty International delegates have not seen anyone other than members of Hamas forces and militias publicly displaying weapons.

In one case, Hamas apologized for one such deliberate killing in a public statement obtained by Amnesty International. Hassan al-Hijazi, 37 years old, was abducted in the afternoon of 7 January 2009 by three masked gunmen from his family home north of Gaza City. The gunmen immediately shot him in the legs and chest and dumped his body near the house. The Hamas communiqué, dated 12 January 2009, refers to the killing of Hassan al-Hijazi, a commander of the Abu ‘Ali Mustapha Brigades, the armed wing of the Popular Front for the Liberation of Palestine (PFLP), and states: “Hamas assumes the entire responsibility for this mistake... [and] will hold accountable those responsible for this act... [It] offers condolences to the family of the martyr al-Hijazi.”

In another case, members of the Hamas political leadership reportedly apologized to the family of 51-year-old Jameel Shafiq Shaqqura, who died on 6 February 2009, seemingly as a result of the torture he was subjected to during his detention by the Hamas Internal Security forces in Khan Yunis (south Gaza) on 30 January 2009.

Scores of other victims of abductions and other attacks by Hamas forces and armed militias all over the Gaza Strip are too afraid to speak publicly for fear of further endangering their lives. Amnesty International has collected the testimony of a number of these victims, whose names and details are being withheld for their protection. Most of them are former members of PA security forces. Below are some of their testimonies, which have been corroborated by medical sources and eyewitnesses:

KNEECAPPINGS:

A.: *“On 20 January, in the morning, Hamas gunmen came to my home but I was not there; they went to look for me at my relatives’ house but did not find me and came back to my home just as I was returning. They were masked but I saw their vehicle before they blindfolded me. They put me in the car and drove to a place nearby. There they beat me severely everywhere and then they shot me in the back of my right knee.”*

A.’s father tried to protest his son’s abduction and was shot in the stomach by the same gunmen. His life is not in danger. A. was due to travel abroad for medical care but was prevented from doing so by the Hamas de-facto administration.



S.: *"Four masked men came to my house on 31 December 2008 at about 4pm; they were armed with Kalashnikovs. They took me behind my house; they did not say anything. They shot me in the back of my right knee and then shot my left leg three times. My relative tried to intervene but they threatened to shoot him too. When other people from the neighbourhood came to see what was happening, the gunmen fled. A few days ago [at the end of January] gunmen again came to the house to ask about me."*

OTHER SHOOTINGS IN THE LEG:

W.: *"In the evening of 9 January members of the Hamas Internal Security came to my home and forced me to go with them. About 20 metres from the house, they shot me in the leg and left me bleeding on the ground. My leg had to be amputated above the knee."*

A witness told Amnesty International that one of W.'s relatives tried to run to the scene and intervene when he saw what was happening but the gunmen shot at him, missing him.

SEVERE BEATINGS:

I.: *"About 10 armed men came to my house on the afternoon of 26 January; about half were masked and the rest were not. They said they were from the Mabatheth [the intelligence services of the Internal Security]. They had a large white car; they blindfolded me and bundled me into the car. They took me to near the sea; I could not see but could hear the waves. They did not ask me anything; they just said that I talked too much and was interfering where I shouldn't. They beat me with iron bars all over the body and left me for dead."*

He sustained three fractures in his right arm and multiple fractures in both legs, as well as deep bruises all over his body. His neighbours told Amnesty International that some of the gunmen work for Hamas's Internal Security force.

B.: *"A group of masked armed men came to my home in a white minibus at 8.30am on 28 January 2009. They took me to an area south of Gaza City and beat me with iron bars. They said I was interfering with them; nothing else."*

B., who had previously spent several years in Israeli jails, was left with both arms and both legs broken in several places.

N.: *"Some armed men from Internal Security came to our home looking for me on 20 January at around 1pm, but I was not at home and they took my son instead; so as soon as I returned home I went to the police station to ask what they wanted and to get my son back. Another of my relatives was also being detained there. They took all three of us to an abandoned farm near the police station and beat us. They accused me of distributing sweets in the neighbourhood to celebrate the assassination by the Israeli army of [Hamas Minister of the Interior] Sa'id Siyam. I told them this was not true. Then they said that if I told them about three people who had distributed sweets and who were happy about Sa'id Siyam's assassination they would let me go. I told them I didn't know anyone; I had been at home all the time because of Israeli bombardments and didn't know what other people were doing or saying. They also accused us of sending reports to Egypt and to the PA in the West Bank. In the end they let us go but told us to stay at home for a month and said that if we talked about this they would shoot us."*

Amnesty International has received other testimonies from Fatah activists and supporters who have been placed under "house arrest" and threatened by Hamas forces and militias.

Amnesty International delegates who were on a field research visit to the Gaza Strip during and after the three-week Israeli offensive asked to meet with members of the Hamas de-facto administration in order to discuss these and other concerns. A meeting

was scheduled with a Hamas administration spokesperson, Tahar al-Nunu, on 1 February 2009, but was cancelled by him at the last moment. No other meeting could be arranged prior to the delegates' departure from the Gaza Strip.

Amnesty International is gravely concerned that the Hamas de-facto administration in the Gaza Strip – instead of taking steps to stop and prevent deliberate killings and other grave abuses being perpetrated by its forces and militias – seems to be at best disregarding and at worst facilitating and even encouraging such abuses.

In a press conference on 2 February, Ihab al-Ghoussein, spokesperson of the Hamas de-facto administration's Interior Ministry, rejected reports published in the previous few days by Palestinian human rights organizations about deliberate killings, abductions, torture and other abuses by Hamas forces and militias. He was quoted as saying that "anyone who was attacked should file a complaint and, if they are afraid as Fatah claims, I call on them to come to me in person to handle the issue."

At the same press conference Tahar al-Nunu was quoted as saying: "The government differentiates between abuses [of the law] and the actions taken by the resistance to protect itself from collaborators in times of war... There will be no mercy for the collaborators who have stabbed our people in the back." Such words are tantamount to a green light to target anyone outside the framework of the law and based on loose allegations of "collaboration" with the Israeli army, without giving those targeted any possibility to defend themselves against such accusations.

There is incontrovertible evidence that Hamas security forces and armed militias have been responsible for grave human rights abuses and that the victims of such abuses and many others are being intimidated and discouraged from testifying about their ordeal. The Hamas de-facto administration has displayed a flagrant disregard for the most fundamental human rights norms, not only allowing such abuses to be perpetrated, but actually facilitating and encouraging the abuses by justifying them and by granting absolute impunity to the perpetrators.

Amnesty International calls on the Hamas de-facto administration to:

- immediately end the campaign of abductions, deliberate and unlawful killings, torture and death threats in which Hamas forces and militias have been engaged since the end of December 2008;
- agree to the establishment of an independent, impartial and non-partisan national commission of experts to investigate human rights abuses committed by its forces and militias and any other parties since December 2008, and pledge to cooperate with such a commission and allow it to carry out its work;
- guarantee that victims, witnesses and others who testify or otherwise complain about human rights abuses will not be targeted, harassed or intimidated;
- undertake to take the necessary steps to address the findings and recommendations of the investigation, which should be made public;
- undertake to hold accountable those responsible for the abuses, according to internationally recognized fair trial standards and without recourse to the death penalty.