



COI QUERY

Country of Origin	Gaza, Palestine
Question(s)	<ol style="list-style-type: none">1. Information on the treatment of people who are neither members nor supporters of Hamas, in Gaza and in the West Bank2. Are there any differences in the living conditions for people in Gaza, who are neither members nor supporters of Hamas?3. Information on forced recruitment of civilians in Gaza by Hamas, and consequences for individuals who refuse to join this group4. Existence of organisation(s) supporting people who are neither members nor supporters of Hamas
Date of completion	23/05/2018
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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 23/05/2018. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

1. Information on the treatment of people who are neither members nor supporters of Hamas, in Gaza and in the West Bank

Gaza (or the Gaza Strip) covers an area of about 365 km² in size and has a total population of approximately 1.9 million people, including over 1.3 million Palestine refugees¹. The territory is under the control of the Palestinian Authority (PA), and between 2007 and 2014² was de facto ruled by the militant Islamist group Hamas³. In defiance of the 2014 reconciliation agreement, Hamas has refused to forfeit governance control over the Gaza Strip to the Palestinian Authority⁴.

The UNHCR Country of Origin Information on the Situation in the Gaza Strip explains how the Gaza blockade⁵ has been the cause of a serious socio-economic and humanitarian crisis which has affected the whole population of the Gaza Strip. The blockade has imposed wide-ranging restrictions on imports, including medical and other humanitarian items, as well as movement restriction of people to and from the Gaza Strip by land, sea and air. The UNHCR report states:

“The United Nations (UN) and human rights organizations have repeatedly highlighted the illegality of the blockade as a form of ‘collective punishment’ and called for its full lifting”⁶.

Amnesty International (AI) notes that in 2017, in an effort to regain control of the Gaza Strip, the Palestinian Authority in the West Bank took punitive actions against the Hamas administration which

¹ UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 23 February 2018, p. 4, ([url](#))

² *In early 2006, the Islamic Resistance Movement (HAMAS) won a majority in the Palestinian Legislative Council election. Attempts to form a unity government between Fatah and HAMAS failed and violent clashes between their respective supporters ensued, culminating in HAMAS' violent seizure of all military and governmental institutions in the Gaza Strip in June 2007*”, CIA, *The World Factbook – Gaza Strip*, ([url](#))

³ Hamas – an acronym for Harakat al-Muqawamah al-Islamiyyah (Movement of Islamic Resistance) – is the most important Palestinian Islamist organization in the occupied West Bank and Gaza. It was founded by Abd al-Aziz al-Rantisi and Shaykh Ahmad al-Yasin in 1987 at the beginning of the Palestinian uprising (intifadah) as the organizational expression of Muslim Brotherhood participation in the armed anti-Israeli resistance. Oxford Islamic Studies Online, *Hamas*, ([url](#)); For more background information on Hamas, consult Council on Foreign Relations (CFR), *Hamas*, August 2014, ([url](#)); US DoS, *Country Reports on Terrorism 2016 – Foreign Terrorist Organizations: Hamas*, 19 July 2017, ([url](#))

⁴ NPSIA, *2018 Conflict Risk Assessment Report Palestinian Territories: West Bank and Gaza Strip*, Carleton University, 7 March 2018, p. 1, ([url](#))

⁵ The Gaza blockade was imposed by Israel as movement restrictions on the Gaza Strip since the early 1990's. In June 2007, following the takeover of that part of the occupied Palestinian territory by Hamas, Israel imposed a land, sea and air blockade on Gaza. As a result, 1.8 million Palestinians in Gaza remain denied free access to the remainder of the territory and the outside world. The blockade has undermined the living conditions in the coastal enclave and fragmented the oPt and its economic and social fabric. The isolation of Gaza has been exacerbated by restrictions imposed by the Egyptian authorities on Rafah, its single passengers crossing. More background information can be found on the website of UN (OCHA) – *Occupied Palestinian Territory*, <https://www.ochaopt.org/theme/gaza-blockade>

⁶ UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 23 February 2018, pp. 4, 5, ([url](#))



resulted in exacerbating the humanitarian crisis in Gaza by further restricting the civilian population's access to vital services⁷.

According to a 2017 UN report, Hamas perpetrated a series of human rights violations in Gaza. The reports claims that following its take-over of Gaza in June 2007, Hamas undertook a series of measures aimed at strengthening power. Such a campaign resulted in Hamas imposing restrictions on freedom of expression, association and assembly as well as committing arbitrary arrests, harassment, ill-treatment, torture. Hamas targeted in particular political opponents considered as 'collaborators' with Israel or the Palestinian Authority, journalists, social media activists, members of the Salafi movement⁸. The same source reports that between 2007 and 2017, a total of 28 civilians sentenced to death were executed by Hamas in Gaza without the Palestinian President's ratification, as required by the Palestinian law⁹.

The US Department of State (US DoS), 2016 Country Reports on Human Rights Practices, also, affirms that there have been various attempts by Hamas to interfere and disrupt educational, cultural activities in Gaza, including exchange programs for students sponsored by foreign governments and international organisations.

"Students participating in cultural and education programs faced questioning from de facto Hamas authorities, for example, on the purpose and duration of travel and the process for coordinating the visas. Hamas authorities denied exit permits for some travelers through the Rafah and Erez crossings", the reports states¹⁰.

According to Amnesty International's Annual Report 2017/2018, both the Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip tighten their crackdown on freedom of expression. In both areas, security forces ill-treated and tortured detainees with impunity¹¹.

In its World Report 2018, Human Rights Watch states that both the PA and Hamas arrested activists who criticised their leaders, security forces, or policies, and mistreated and tortured some in their custody¹².

In 2017, in a letter to UN special rapporteur Michael Lynk, a UN Watchdog group denounced the failure by a UN report on the state of human rights in the Palestinian territories¹³ to address human rights violations committed by Palestinians, "giving a free pass to torture and terrorism by the forces of any Palestinian President Mahmoud Abbas and Hamas". The letter lists some human rights violations perpetrated by the Palestinian Authority and Hamas, which the UN report had supposedly ignored. According to the UN Watchdog, some of these abuses include:

⁷ Amnesty International, *Annual Report 2017/18 – Israel and the Occupied Palestinian Territories*, 22 February 2018, p. 292, ([url](#))

⁸ For background information on the Salafi movement consult Esposito, J. L.; Shahin, Emad El-Din *Salafya, Modernism and Revival*, in *The Oxford Handbook of Islam and Politics*, OUP USA, 1 November 2013, ([url](#))

⁹ UN, *Gaza – 10 Years Later*, 11 July 2017, p. 25, ([url](#))

¹⁰ US DoS, *2016 Country Reports on Human Rights Practices – The Occupied Territories*, 3 March 2017, p. 104, ([url](#))

¹¹ Amnesty International, *Annual Report 2017/18 - Palestine (State of)*, 22 February 2018, p. 294, ([url](#))

¹² Human Rights Watch, *2018 World Report – Israel/Palestine*, 18 January 2018, p. 292, ([url](#))

¹³ UN, *Situation of human rights in the Palestinian territories occupied since 1967*, 23 October 2017, ([url](#))



- Torture of Juveniles: Hamas imprisons Mustafa Salman, 16, for injuring a young man's hand in a fight. Salman is detained in a cell with other adults and subjected to torture and abuse by the other prisoners and by police, leading him to commit suicide. (*September 2017*)¹⁴
- Torture, Arbitrary Arrest: Hamas agents arrest and torture internet cafe owner, Mohammed Sufian al-Qassas, due to complaints that victim was "insulting God"; victim suffers severe injuries and remains in coma for two and a half days. (*September 2017*)
- Arbitrary Arrest, Censorship: Hamas detains journalists Fouad Jaradeh and Amr Balousha for "collaborating with Ramallah and misusing technology." (*June and July 2017*)¹⁵
- Extrajudicial Killing: Hamas hangs three Palestinians convicted in unfair military trial for collaborating with Israel. Amnesty's Magdalena Mughrabi calls the executions "outrageous." (*April 2017*)¹⁶
- Torture, Censorship: Hamas detains and tortures journalist Mohamed Ahmed Othman, seeking the source of a government document he had published. (*September 2016*)
- Torture, Denial of Due Process: Hamas executes three Palestinians¹⁷ convicted of murder in proceedings which lacked due process and involved torture. (*May 2016*)¹⁸

As series of human rights abuses committed by Hamas against Palestinians during the 2014 Gaza/Israel war are extensively documented in a 2015 Amnesty International report. The report by AI mentions a number of cases of abductions, torture, summary and extrajudicial executions of Palestinians who were considered to be informants and collaborators with the Israeli authorities¹⁹.

2. Are there any differences in the living conditions for people in Gaza, who are neither members nor supporters of Hamas?

No information was found regarding the difference in the living conditions for people in Gaza who are not affiliated or supporters of Hamas. In general, the living conditions for the Palestinian civilians living in Gaza have significantly deteriorated over the past decade²⁰. According to the 2017 UN report *Gaza – 10 years later*:

"Since 2007, Israel has maintained a suffocating economic and travel blockade that has driven Gaza back to the dark ages. More than 60 per cent of the population of Gaza is reliant upon humanitarian aid, it is unable to secure more than one-third of the electrical power that it requires, it will soon exhaust its sources of safe drinking water, and, virtually unique in the world, its gross domestic product is actually lower than it was in 2006"²¹.

¹⁴ IMEMC, *Detained Teens in Gaza Highly Vulnerable to Abuse*, 6 October 2017, ([url](#))

¹⁵ Ma'an News Agency, *Palestinian journalists union holds sit-in demanding Hamas release 2 reporters*, 13 July 2017, ([url](#))

¹⁶ Amnesty International, *Palestine: Hamas executes three civilians tried in Gaza military courts*, 6 April 2017, ([url](#))

¹⁷ Human Rights Watch, *Palestine: Hamas Should Halt Executions*, 31 May 2016, ([url](#))

¹⁸ UN Watch, *Letter from UN Watch executive director Hillel Neuer to UN rapporteur Michael Lynk*, 27 October 2017, ([url](#))

¹⁹ Amnesty International, *Palestine (State of): 'Strangling necks'. Abductions, torture and summary killings of Palestinians by Hamas Forces during the 2014 Gaza/Israel conflict*, 27 May 2015 p. 13 – 27, ([url](#))

²⁰ UN, *Gaza – 10 Years Later*, 11 July 2017, pp. 5-7, ([url](#))

²¹ UN, *Gaza – 10 Years Later*, 11 July 2017, p. 25, ([url](#))



Amnesty International also stressed that the Gaza blockade imposed by Israel as well as several punitive measures imposed by the Palestinian government based in Ramallah against the Hamas administration have severely affected the civilian population of Gaza in their rights to access essential services, including medical care, water, electricity, and education²².

The UNDP report, *Three Years after the 2014 Gaza Hostilities*, states:

“Three years since the hostilities, Gaza remains a war-torn area, a man-made disaster, an open air prison, isolated and besieged from all sides. Its economy has been crushed, its 2 million people – half of them under the age of 15 – are traumatized and abandoned, and its civilian infrastructure and public services, both social (health, education, and housing) and physical (roads, water, energy, and sanitation), are largely dysfunctional”²³.

3. Information on forced recruitment of civilians in Gaza by Hamas and consequences for individuals who refuse to join this group

Defence for Children International Palestine (DCIP) – an NGO dedicated to protect Palestinian children in Occupied Palestinian Territory (OPT) – affirms that over the past decade it has documented numerous cases of child recruitment by both Israeli armed forces and Palestinian armed groups. On its [website](#), the NGO mentions the case of a child recruited by Hamas in November 2012, and other six cases of children killed in 2014 and allegedly affiliated with Palestinian armed groups²⁴.

In a report published on January 2018, DCIP notes that the rapidly degenerating living conditions in the Gaza Strip has put at risk the most basic human rights, “as children became collateral damage in an internal Palestinian political standoff”. The report - which denounced a series of human rights abuses on Palestinian children being committed in either the West Bank and Gaza - notes that in 2017 government-run schools in the Gaza Strip suspended military-style drills from their Futuwwa (or youth) programs that focus on civics and health. According to DCIP, there were strong links between Futuwwa program and Summer and Winter camps hosted by Palestinian armed groups. Nevertheless, DCIP, affirmed to remain:

“(.) deeply concerned at the potential of the program and the camps to serve as vehicles for future recruitment. DCIP in 2017 found no evidence that children in the Gaza Strip were being used or recruited by Palestinian armed groups for any role in armed conflict, in the context of these programs. However, pervasive poverty keeps children vulnerable to recruitment and other forms of child labor”²⁵.

A UN Security Council report claims that the UN did not receive reports of recruitment and use of children in 2016; however, they also added that this violation is difficult to document, particularly in Gaza²⁶.

²² Amnesty International, *Annual Report 2017/18 - Palestine (State of)*, 22 February 2018, p. 294, ([url](#))

²³ UNDP, *Three Years after the 2014 Gaza Hostilities*, 31 May 2017, p. 12, ([url](#))

²⁴ DCIP, *Child recruitment* ([url](#))

²⁵ DCIP, *Year in Review: Worst abuses against Palestinian children in 2017*, 18 January 2018, ([url](#))

²⁶ UN General Assembly Security Council, *Children and armed conflict*, 24 August 2017, p. 13,14,15, ([url](#))



In a 2015, a COI query response by the Immigration and Refugee Board of Canada reported that scarce information was found on forced recruitment by Hamas and Fatah in the West Bank²⁷.

5. Existence of organisation(s) supporting people who are neither members nor supporters of Hamas

A series of local and international NGOs²⁸ and UN agencies²⁹ operate in the Palestinian Territories delivering humanitarian aid and support to the civilian population.

The above mentioned Defence for Children International Palestine³⁰ is among the NGOs dedicated to monitor human rights abuses and protect Palestinian children in Occupied Palestinian Territory.

An additional list of NGOs and grassroots organisations in Gaza and the West Bank active on various issue can be found on the NGOs Palestine directory of the [Arab.org](#) website³¹.

²⁷ IRB (Canada), *Palestine: Forced recruitment by Hamas, Fatah or other organizations in the West Bank; whether forced recruitment by these groups occurs in universities; consequences for individuals who refuse to join these groups* (2013-November 2015), 9 November 2015, ([url](#))

²⁸ A list of NGOs present in the Palestinian Territories can be found on the website of the NGO Committee on Disarmament, Peace and Security ([url](#))

²⁹ A list of UN agencies present in the Palestinian Territories can be found on the website of the AICS (Italian Cooperation for Development Agency): ([url](#))

³⁰ Defence for Children International Palestine (DCIP): ([url](#))

³¹ Arab.org, NGO Palestine Directory: ([url](#))



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