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Palestinian Authority and Israel: Peace cannot be built on human rights abuses

Amnesty International today condemned as flagrantly unfair the trial on 19 January 1998 of two *Hamas* activists accused of having set up a bomb factory in Nablus.

Nasser Abu al-Rus and Jasser Salameh were tried within days of their arrest, in a summary trial before the State Security Court in Jericho. The trial was held before military judges, with a military prosecutor, under the PLO Code of 1979 -- up to now only used against members of the security services. The public were barred from the half-hour trial. The court appointed a military lawyer to represent the two defendants, and lawyers offering to represent the defendants were not allowed into the court except to hear the sentences of 15 years' imprisonment with hard labour.

"No one can tell whether those arrested are guilty or innocent when they are tried in such a way," Amnesty International said. "These abuses undermine the judicial system and are a denial of justice."

The organization also condemned the Palestinian Authority's prolonged detention without charge or trial of more than 150 suspected members of Islamist opposition groups. Some of these detainees have been held for more than a year while orders from the Attorney General or the Palestinian High Court to release specific detainees against whom no charges had been filed and no evidence produced have been ignored.

"After the Palestinian High Court ordered the immediate release, on grounds of unlawful detention, of Shaikh Mahmud Musleh, a *Hamas* activist, in December 1997, he was taken for a short walk and then brought back to prison. He was told that he had been rearrested. That makes a mockery of the law," Amnesty International said.

In the context of the peace accords, Israel has put increasing pressure on the Palestinian Authority to "fulfil its commitments to fight terrorism" by, among other things, "the apprehension, prosecution and punishment of terrorists". The Israeli Government has used the issue of "terrorism" as an excuse for allowing the Israeli General Security Service to use practices which constitute torture during interrogation and for holding over 300 Palestinians in administrative detention without trial.

"It is now time for the Palestinian Authority and Israel to accept that a government's legitimate right to fight crime and violence can only be carried out with due respect for human rights," Amnesty International said. "The international community, particularly the United States, which is brokering Israeli-Palestinian peace talks, should also make it clear that they will not condone or encourage human rights abuses such as unfair trials, detention without trial and torture."
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