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Palestinian Authority: Justice must not be discarded

Amnesty International expressed concern at the Palestinian Authority's detention without legal safeguards of alleged members of the Popular Front for the Liberation of Palestine (PFLP) and Islamic Jihad.

The Palestinian authority must respect the 7 November judgement of the Palestinian High Court of Justice ordering the immediate release of attorney Yunis al-Jarru and Dr Rabah Muhanna, said Amnesty International.

After the assassination in Jerusalem of Israeli Tourism Minister Rehavam Ze'evi by members of the PFLP on 17 October 2001 more than 60 suspected members of the PFLP were arrested. Attorney Yunis al-Jarru, a former deputy head of the Palestinian Bar Association in Gaza, and Dr Rabah Muhanna, the Gaza Director of the Union of Health Work Committees, were arrested on 18 October. On 27 October 2001 the Palestinian Centre for Human Rights brought the cases of attorney al-Jarru and Dr Muhanna before the Palestinian High Court of Justice which ordered the prosecutor to explain the causes of their arrest. On 4 November the Palestinian Attorney General, Khaled al-Qidreh, stated that they were detained under the jurisdiction of the State Security Courts, charged with damaging the interests of the state. The Palestinian High Court of Justice on 7 November rejected this argument and ordered their immediate release.

The Palestinian Authority has a duty to maintain the rule of law and should not continue to hold those whose detention has been declared illegal, said Amnesty International.

About 30 suspected PFLP members detained in the West Bank have been released; more than 30 others arrested in Gaza and Ramallah after 18 October remain detained.

Detainees have not been properly charged, legal safeguards have been ignored and many detainees have had no access to their families, said Amnesty International. It is important that all those arrested be treated with full respect for their rights under Palestinian law and international standards.

Amnesty International expressed concern at the Attorney General's transfer of cases to the jurisdiction of the State Security Courts. Trials before the State Security Courts, which are almost invariably before judges from the security services, are summary and grossly unfair, the organization said. "The presumption of innocence and the rights of the defence are consistently negated in these trials.

Amnesty International also voiced its concern at the Palestinian Authority's imposition of administrative detention orders of one year or six months on five alleged members of Islamic Jihad. The organization stressed that the Palestinian Authority should fulfil its obligation not to allow impunity for those who commit recognizably criminal acts. Individuals involved in the murder of civilians should be brought to justice and punished, but this must be done while respecting the right to fair trial, the organization said.

It is not known what is the legal basis of the administrative detention orders, signed by the Chief of Police, as Palestinian law, including the 2001 Criminal Procedure Code, does not mention administrative detention.

It is a fundamental safeguard against arbitrary detention that the state should be able to provide the evidence to justify detention and that the detainee should have the right to have access to and challenge this evidence with the assistance of a lawyer," said Amnesty International. For years human rights organizations have been working to end Israel's use of administrative detention. We are shocked that the Palestinian Authority should now arbitrarily introduce this flawed and unjust system.

The United Nations Working Group on Arbitrary Detention has in the past condemned Israel's use of administrative detention in the Occupied Territories saying that individual liberty cannot be sacrificed for the government's inability to collect evidence or to present it in an appropriate form.

Background

Hundreds of Palestinian detainees from Islamist and leftist political groups which oppose the peace process were held in prison in the Palestinian

Authority's areas for months or years between 1995 and October 2000 outside the framework of Palestinian law. Most were released in October 2000 at the beginning of the current *intifada*. Their detention, and the detention of those arrested in the past month, is linked to pressure from Israel and the international community to arrest those involved in violent attacks.

The Palestinian Authority also detains up to 500 security prisoners, apparently held on suspicion of collaborating with the Israeli authorities or selling land to Jews. Some have been held for up to seven years without charge or trial and most were tortured immediately after arrest. Only a handful have ever been brought to trial, in unfair trials before the State Security Courts.

Amnesty International has consistently called on the Palestinian Authority to release all prisoners of conscience, held for their beliefs who have never used nor advocated violence. Other political detainees should be tried promptly and fairly before courts capable of offering guarantees for fair trials conducted in accordance with international standards; otherwise they, too, should be released.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>