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Palestinian Authority Silencing dissent

INTRODUCTION

In the six years since its establishment the Palestinian Authority (PA) has detained dozens of human rights defenders, journalists, religious figures, writers, government officials, trade unionists and academics solely for exercising their legitimate rights to freedom of expression. In the past year alone, Amnesty International has documented the arrest and detention of at least 13 prisoners of conscience. Many have been detained after criticizing the policies of the PA or the conduct of the peace negotiations with Israel. Some were arrested in connection with events happening elsewhere in the world, such as the 1998 air strikes by the United States of America and the United Kingdom on Iraq. Most were held outside any legal framework, often incommunicado, and released without charge after a few days or weeks, and, in some cases, months.

This report describes the pattern of arrest and detention of these prisoners of conscience in areas under the PA's jurisdiction and illustrates it with some typical cases. It includes a number of recommendations addressed to the PA to bring an end to this practice. The report does not deal with the estimated 600 long-term political prisoners, who may include prisoners of conscience, who have been held without charge or trial by the PA, some since 1994 and 1995.¹

Over the years, Amnesty International has raised its concerns with PA officials about the detention of various prisoners of conscience. In most cases the PA has not responded to Amnesty International. In a few cases it has responded justifying the detention on vague grounds such as "security".

SAFEGUARDS UNDER INTERNATIONAL HUMAN RIGHTS LAW

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 a framework of minimum standards to protect human rights has been established by the United Nations and endorsed by the international community. The UDHR is considered to be part of customary international law. The PA, which exercises authority over people in the territory under its control, is expected to abide by these minimum international standards for the protection of human rights. Article 19 of the UDHR guarantees the right to freedom of expression:

¹ See *Palestinian Authority: Defying the Rule of Law: Political detainees held without charge or trial* (MDE 21/03/99).

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

In his report to the UN Commission on Human Rights in 1995, the Special Rapporteur on the right to freedom of opinion and expression emphasized that any limitations on the right to freedom of expression must be interpreted narrowly:

“Article 19 (3) [of the International Covenant on Civil and Political Rights] allows for the restriction of the right to freedom of expression and information only under certain conditions. Most importantly, any restriction or limitation must be provided by law, must serve one of the listed purposes mentioned in the article and must be necessary for attaining this purpose. ... The Special Rapporteur recalls the importance of the principle of proportionality in the process of establishing whether any limitation of the right to freedom of expression is necessary. In this respect, the general rule is the protection of the freedom; restriction of such freedom should be the exception to this rule. The restriction may not be applied in such a way that the expression of an opinion on any particular matter is merely suppressed. It may be restricted only in so far as it is necessary to attain one of the above-mentioned purposes”.²

Article 9 of the UDHR also prohibits arbitrary arrest and detention, while Principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) states:

²E/CN.4/1995/32. The Special Rapporteur stated in 1994 that he would be guided by the UDHR and the International Covenant on Civil and Political Rights, where applicable, in promoting and protecting the right to freedom of opinion and expression.

(E/CN.4/1994/33, para. 9). Article 19(3) of the International Covenant on Civil and Political Rights states that Article 19 “may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

a. for respect of the rights or reputations of others;

b. for the protection of national security or of public order (*ordre public*), or of public health or morals.

“Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose”. The Working Group on Arbitrary Detention established by the UN Commission on Human Rights has expressed concern at the detention of persons under criminal laws which are vague or excessively broad:

*"When article 10 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Civil and Political Rights prohibit a sentence for "any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed", national or international law are also required to define the act or omission, and this can only be done with a proper description of the particular kind of conduct."*³

THE PALESTINIAN LEGAL FRAMEWORK

The Palestinian draft Basic Law guarantees the right to liberty and security of person and the right to freedom of expression. This law was passed by the Palestinian Legislative Council (PLC), the elected representatives of Palestinians in the West Bank and Gaza Strip, in 1996. However it has not been ratified by the President and is therefore not yet part of Palestinian law.

"Now that we have this new law, no security apparatus will have the right to detain or interrogate journalists or confiscate publications or newspapers." Yasser ‘Abed Rabbo, Minister of Information, quoted by Reuters at the time of the adoption of the Press and Publications Law in 1995

One of the first laws to be adopted by the PA was the **Press and Publications Law** of 1995. It did not benefit from scrutiny by the Palestinian Legislative Council, which had not yet been elected. This law regulates every publication produced or imported into areas under PA jurisdiction and gives the PA very wide powers to regulate the media as well as research centres, news agencies, libraries and other institutions which process and disseminate information. While

³ E/CN.4/1993/24

Article 2 reaffirms the principles of "freedom of the press and printing" and freedom of opinion and expression "in the form of speech, writing, photographs or drawing for the purposes of expression and information", other articles of the same law undermine these freedoms. For example, article 37 prohibits the publication of a whole range of information, including any information considered harmful to religion or morality, or which may harm national unity, or which shakes confidence in the national currency. Such broadly defined provisions are open to abuse. The fact that virtually all violations of the Press and Publications Law are punishable by imprisonment means that the law could be used to detain prisoners of conscience.

In November 1998 the PA issued **Presidential Decree No. 3 concerning the Strengthening of National Unity and the Prohibition of Incitement**. Even though this decree has the force of law it was never passed by the Palestinian Legislative Council. The Wye Memorandum, signed the previous month by Israel and the PLO, had stated that the Palestinian side would "issue a decree prohibiting all forms of incitement to violence or terror". The passing of the decree was one of the conditions which the PLO had to meet in order to secure Israel's further redeployment from West Bank territory and the release of Palestinian prisoners from Israeli jails. The decree goes far beyond prohibiting "violence or terror" and punishes a broad range of speech, including incitement to "strife" (*fitna*) which is not defined further and could be used to prohibit forms of expression which would be protected under international human rights law, as could the prohibition of incitement to breach agreements signed between the PLO and foreign states.

Many other laws in force in the areas under PA jurisdiction, inherited from the British Mandate Period as well as the periods of Jordanian and Egyptian administration, curtail the right to freedom of expression. However, one of the hallmarks of human rights violations by the PA, including violations of the right to freedom of expression, is that such violations usually routinely occur outside any legal framework whatsoever. Amnesty International is not aware of a single case where a prisoner of conscience has been arrested and his detention justified on the basis of the Press and Publications Law or the Anti-Incitement Decree. The various Palestinian security forces arrest and detain most political prisoners, including prisoners of conscience, without any apparent reference to local Palestinian law.

THE PATTERN OF VIOLATIONS

Since its establishment in 1994, the PA has progressively restricted the right to freedom of expression through a variety of means, including arrest and detention by various security forces, in particular the Palestinian police, the General Intelligence (*al-mukhabarat al-'amma*) and the Preventive Security Service (PSS). Many detainees have been held incommunicado and some have been subjected to torture or ill-treatment. 'Abdallah al-Shami, a leader in Islamic *Jihad*, was arrested by *al-mabahith al-jina'iya* (Criminal Investigation, a branch of the Palestinian police) in August 1998 and interrogated about an article which he had published in the newspaper *al-Istiqlal* (Independence) criticizing the recent PA cabinet reshuffle. He was held incommunicado for 22 days and spent the entire 41 days of his detention in solitary confinement until he was released without charge in September 1998.

In May 1998, the General Intelligence arrested **'Abbas al-Mu'mani**, who worked as a freelance photographer for Reuters, at his office in Ramallah. He was held incommunicado for more than five days, and was reportedly interrogated about a video recording broadcast by Reuters. The recording contained an interview with 'Adel 'Awadallah who accused the PA of participating in the killing of Muhi al-Din al-Sharif, an alleged member of the military wing of *Hamas*. The General Intelligence reportedly questioned 'Abbas al-Mu'mani about his knowledge of how Reuters obtained this video cassette and of 'Adel 'Awadallah's whereabouts. During the first five days of his detention, 'Abbas al-Mu'mani was allegedly whipped with cables, denied sleep, food and use of a toilet and forced to remain in painful positions for long periods. On the sixth day, he escaped by jumping out of a third floor window, seriously injuring his leg as a result. He was rearrested in the evening of the same day and returned to the custody of the General Intelligence. He was released without charge five days later.

Those arrested are rarely shown an arrest warrant or informed of the reason for their arrest. Nevertheless the fact that their arrest took place hours or days after they delivered a controversial speech or wrote a critical article, for example, leaves little room for doubt as to the reason for their detention. Critics of the PA may find themselves invited to have a short meeting over a cup of coffee with one or other of the security services, only for them to emerge from detention days, weeks, or even months later. Rarely has the PA brought anyone to court during their detention. Frequently, it was not clear to detainees which authority ordered their arrest, whether the initiative was taken by the security force detaining them or by another authority, such as the President. In many cases detainees were informed verbally that they were being held on "higher orders". Nearly all detainees were eventually released without charge. Sometimes they were asked to sign an undertaking not to speak against the PA before they were released.

Given the frequent number of infringements on freedom of expression, it is not difficult to detect the types of topics that may precipitate arrest or other sanctions by the PA. Perceived criticism of PA officials and institutions, in particular the President and members of the various Palestinian security forces, is a dangerous area. Many individuals have been detained or otherwise harassed because they discussed in speeches, interviews or newspapers allegations of corruption and financial mismanagement or political arrests, torture and unfair trials in the PA. Others were detained after they publicly criticized the way in which the Palestinian political leadership was conducting peace negotiations with Israel. Discussing the conduct of certain foreign governments can be a sensitive topic.

Those arrested have included journalists, academics, political activists, lawyers, government officials, trade unionists, and religious figures. Many human rights defenders were detained in the early years. For example, **Dr Iyad al-Sarraj**, former Commissioner General of the Palestinian Independent Commission for Citizens' Rights (PICCR) was detained three times for up to 17 days in 1995 and 1996 as a result of his criticism of the PA's human rights record, and on one occasion he was tortured. Apparently as a result of the extensive local and international pressure on the PA, human rights defenders are now rarely detained.

The PA has infringed the right to freedom of expression in other ways. Many journalists have reported being subjected to ill-treatment at the hands of the security forces while they were going about their duties. In August 1998, for example, members of the Palestinian police severely

beat **Munir Abu Rizq**, who was working as chief editor for the daily *al-Haya al-Jadida* (New Life) after he tried to enter the headquarters of the Palestinian police in Gaza City, to cover a session of the special military court which was trying three Palestinians, two of whom were later sentenced to death and executed for murder.

On 16 December 1999, General Intelligence officers physically attacked a member of the Palestinian Legislative Council, **‘Abd al-Jawad Saleh**, while he was participating in a peaceful demonstration protesting at the detention of eight Petition 20 signatories, outside the General Intelligence detention centre in Jericho (see also page 7). He entered the detention centre at the invitation of a General Intelligence officer, but once inside, a group of officers proceeded to slap his face and punch and kick him. One grabbed him by the hair and poured a bucket of water over him and told him to leave. ‘Abd al-Jawad Saleh was treated in hospital for his injuries.

Newspapers, research centres, news agencies, television and radio stations have all been closed for days or even weeks. In May and June 2000, two private radio stations in the West Bank, *Sawt al-Hub wa al-Salam* and *al-Manara*, and three private television stations, *al-Mahed*, *al-Watan* and *al-Nasr*, were closed by the Palestinian police for several days. The distribution of publications, particularly newspapers, has also been restricted on occasion. In March 2000 Palestinian customs officials impounded seven boxes of Amnesty International documents at Gaza Airport, including copies of two reports about human rights violations in Saudi Arabia.⁴

In one case, after nearly a month’s detention, the PA dismissed a judge from his post. **Shaykh Hamid Bitawi**, who had held the post of President of the Sharia Court of Appeals since 1995, was arrested by the General Intelligence on 25 November 1998. This was the day after he strongly criticized the Wye Memorandum, which had been recently signed between Israel and the PLO, in an interview with the satellite television channel *al-Jazira*. The General Intelligence reportedly confirmed to Shaykh Hamid Bitawi’s family that he had been arrested because of his interview on the basis of "higher orders". He was released without charge on 21 December 1998, but the PA refused to allow him to return to his work as a *sharia* judge.

To avoid the kinds of abuses described above some Palestinian journalists now admit that they practice self-censorship, either by modifying the manner in which they report a story or not reporting or commenting on certain topics at all. Even if a journalist is prepared to take risks, his or her editor may not be willing to carry the responsibility of authorizing publication of a critical article. This is not just a dilemma for journalists, but also for other activists in civil society as well, some of whom have nevertheless continued to speak out on controversial issues knowing that they may face arrest or other forms of harassment as a result.

Freedom to express and report dissenting opinions is not only a human right which should be respected for its own sake, it is a prerequisite for the exercise of other rights, including freedom of association and the right to take part in public affairs. Participation in the public life of a country includes freedom to engage in political activity individually or through political parties

⁴ The two reports confiscated were *Saudi Arabia: A secret state of suffering* (MDE 23/01/00) and *Saudi Arabia: A justice system without justice* (MDE 23/02/00).

and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas. A cornerstone of public accountability by any government is the existence of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.

CASE STUDIES OF PRISONERS OF CONSCIENCE

The Petition 20 Case

On 27 November 1999, a petition signed by 20 prominent Palestinians, including nine members of the Palestinian Legislative Council, was made public. It severely criticized the conduct of the PA. Within days Palestinian security forces had detained eight signatories, Dr 'Abd al-Sattar Qasem, a Professor of Political Science at al-Najah University and Birzeit University, three physicians, Dr Yasser Fayeq Abu Safieh, Dr 'Afif Suleiman al-Judeh and Dr 'Abd al-Rahim Kittaneh, Dr 'Adel Samara, an economist, Ahmad Qatamesh, a writer, Ahmad Shagr Dudin, a retired teacher and 'Adnan 'Odeh, director of the research unit at the Palestinian Legislative Council. The security forces held Dr 'Ismat Shakhshir, a chemistry lecturer at al-Najah University, for several hours and placed Bassam Shaka'a, a former mayor of Nablus, and Wahid Hamdallah, a former mayor of 'Anabta, under house arrest for two days. Of those detained, only Dr 'Abd al-Sattar Qasem was questioned about his involvement in the writing of the petition. On 20 December, six of the prisoners were released without charge. Ahmad Shagr Dudin and Dr 'Abd al-Sattar Qasem remained in detention until 6 January 2000. The PA gave no official reason for any of the detentions. However, in a

meeting with a senior member of the General Intelligence in April 2000, Amnesty International delegates were informed that the detentions were conducted to meet the PA's "security requirements". The official denied that the signatories had been detained for expressing their opinions.

Dr 'Abd al-Sattar Qasem did not remain at liberty for long. On 18 February 2000 two Criminal Investigation officers came to his Nablus home at about 11pm and rearrested him, telling him his arrest had been ordered by the Director General of the Palestinian police and the President. They did not show him an arrest warrant, and 'Abd al-Sattar Qasem was never told why he was rearrested. Amnesty International believed he was held because of his peaceful political activities and considered him a prisoner of conscience. On 6 July the Palestinian High Court found his detention unlawful and ordered his release, but the PA did not implement the order, and Dr 'Abd al-Sattar Qasem remained held until 28 July.

The PA's refusal to abide by the decisions of its own courts prevents the judiciary from acting as a guardian of human rights and undermines its independence and authority. It is inconsistent with the provisions of the Basic Principles on the Independence of the Judiciary which state: "It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary".⁵

⁵Endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

'Adel Samara, an economist, described to Amnesty International delegates the confusion surrounding his arrest and detention after he signed Petition 20. On 27 November, his son informed him that some high-ranking officials from Gaza wanted to meet him. 'Adel Samara went back to his home in Beit 'Ur al-Fawqa and put on a smart suit for the meeting. As he was leaving, his son telephoned and told him of the arrest of another Petition 20 signatory, 'Abd al-Sattar Qasem. Suspecting that he too would be arrested, 'Adel Samara changed into clothes which he felt were appropriate for prison. He left, taking with him, in case of arrest, a book which he wanted to read. He tried to clarify his situation by going to the police station in al-Bireh. When he arrived he told the police: "My name is 'Adel Samara. I think you want to arrest me and I am here." The officers told him they had no such instructions, so 'Adel Samara gave them the telephone number for his wife's shop, where he could be found. Within hours Criminal Investigation officers came to the shop and asked him to accompany them to the police station. About 10 minutes later, Ahmad Qatamesh, another signatory to the petition, arrived. A senior police officer apologized, saying he did not know the reason for their arrest. The following day, 'Adel Samara and Ahmad Qatamesh were transferred to the Jericho detention centre of another PA security force -- the General Intelligence. They were held for the first three days of their detention in isolation in windowless cells about 3.5 meters square. 'Abd al-Sattar Qasem was also held in one of these cells. The three detainees could only communicate by knocking on the walls and speaking through the peepholes in the doors. In the morning each of them was taken to exercise separately for about 30 minutes.

After a few days, 'Adel Samara was moved to a room with Ahmad Qatamesh. Later 'Abd al-Sattar Qasem joined them. On 19 December, 'Adel Samara and Ahmad Qatamesh were released without charge, after they signed a declaration undertaking to appear before the police if requested to do so and undertaking to pay 50,000 Jordanian Dinars (\$US 70,000) if they failed to do so. 'Adel Samara told Amnesty International that he was never shown an arrest warrant and never officially informed why he had been arrested. He was never interrogated by the Palestinian police or the General Intelligence.

Sabri Abu Diab

Sabri Abu Diab, aged 46, lives in Silwan, an area that lies south of the Old City in East Jerusalem. He has been a preacher for about 30 years and is the *imam* of a nearby mosque in Ras al-‘Amud. On 5 November 1999 he preached for about half an hour at a mosque in the village of Hizma, in Ramallah District, to more than 2,000 worshippers. In his sermon, he criticized the negotiations between the PLO and Israel. He talked about how Israel continued to confiscate Palestinian land and to build bypass roads to link up Israeli settlements in the West Bank. He also discussed the continued detention of Palestinian prisoners in Israel.

He told Amnesty International delegates that two days later he received a telephone call from the General Intelligence office in Ramallah. He was told that he was needed for about 15 minutes to answer some questions. He was held for 20 days in the General Intelligence detention centre. Throughout his detention, he was neither interrogated nor shown a warrant for his arrest. All that he could discover was that his detention allegedly had been ordered by the President and that only he could order Sabri Abu Diab's release. He was allowed to have telephone contact and received regular visits from his family and various lawyers. On 27 November 1999, he refused to sign an undertaking that he would not criticize the PA. He was nevertheless released the same day.

‘Isam Amineh

‘Isam Amineh, aged 50, the *imam* of the Beit Safafa mosque in Jerusalem, gave the first sermon at the opening of the new Shar‘awi mosque in Hebron city on 10 December 1999. He preached against nationalism, discussing the Palestinian experience as an example of its failures. On 16 December, an officer from the General Intelligence telephoned him from Ramallah and invited him to come to their

office for 15 minutes. He warned him that he would be arrested if he did not come of his own free will. 'Isam Amineh arrived at the office at about 3pm and was taken to a second floor office. The officer accompanying him left after a few minutes, locking the door behind him. 'Isam Amineh remained detained in this office for 29 days. At about 10pm on the day of his arrest an interrogator came and asked him what he had said in his sermon on 10 December. 'Isam Amineh summarized what he had said. The interrogator prepared a statement and asked 'Isam Amineh to sign it, which he did. Twelve days later, the head of the General Intelligence in Ramallah met with 'Isam Amineh and told him that as an *imam* he should not criticize the PA. 'Isam Amineh responded that he had preached for 15 years about the question of nationalism and had not said anything new in his sermon. He was disappointed not to be released in time to celebrate 'Eid al-Fitr, which marks the end of the Muslim holy month of Ramadan. About a week after the feast, he was released with a warning "to speak in a balanced way."

'Omar 'Assaf

The Palestinian police arrested 'Omar Nimr 'Assaf, a secondary school teacher and senior member of the Democratic Front for the Liberation of Palestine (DFLP), aged 50, at about 1am on 5 May 2000. He was active in a committee organizing a strike, which commenced in early 2000, by teachers working in PA governmental schools. The day before his arrest an interview with him about the strike was broadcast by a private radio station, *Sawt al-Hub wa al-Salam*.

Reuters reported on 6 May that the Director General of the Palestinian police informed the agency that 'Omar 'Assaf was to be tried for "spreading lies about the Authority and for making false accusations". He quoted 'Omar 'Assaf as saying that the Ministry of Education's US \$100 million budget was not spent on education and said that this accusation was untrue. The Palestinian police also closed *Sawt al-Hub wa al-Salam* for five days. 'Omar

‘Assaf was held incommunicado for nearly one week. His lawyer was refused access to him throughout his detention in contravention of international human rights standards. He was released without charge or trial on 22 June 2000, apparently on the orders of the President.

‘Abd al-Fattah Ghanem

‘Abd al-Fattah Ghanem, aged 60, holds the post of Presidential Adviser on Refugees. On 20 June 2000 members of the Presidential Guard searched his office in Gaza city, examining documents and computer files. The next day a group of Palestinian police officers came looking for him at his home in Beitunia, near Ramallah. They did not find him at home. Later that day he was summoned to Ramallah by the Palestinian police and arrested. A prison official at Ramallah Central Prison phoned his family to tell them he had been arrested on the orders of President Arafat; he asked them to bring books and clothes. He was held incommunicado until 27 July, when family members visited him. As of 7 August, he was still denied access to his lawyer and further family visits had been refused. His family had not been informed of the legal basis of his arrest but believed that he was held because of his statements to newspapers regarding the failure to find a just settlement to the Palestinian refugee question and complaining of administrative corruption. On 24 June 2000, Agence France Presse reported that a source close to the Palestinian leadership had stated that ‘Abd al-Fattah Ghanem was accused of having made "statements undermining the PA and making false accusations via the Internet against Palestinian officials."

Arrest of eight journalists covering a Popular Front for the Liberation of Palestine (PFLP) rally and march

On 18 December 1998 Criminal Investigation officers detained eight Palestinian journalists for several hours, after they covered protests against United States of America and United Kingdom air strikes on Iraq. On that day, the PFLP, one of the opposition factions of the PLO, held an event at the Palestine Hall in Gaza City to celebrate the 31st anniversary of its founding. Many speakers condemned the air strikes and expressed solidarity with the Iraqi people. Several US flags were burned. Afterwards more than 3,000 people started to march peacefully towards the Legislative Council building. The Palestinian police broke up the march, reportedly beating some of the demonstrators. Eight journalists, **Zakariya al-Talmas, Rashid al-Rashid, Muhammad al-Jahjuh, Fathi Sabah, ‘Abd al-Salam Abu ‘Askar, Talal Abu Rahmeh, Khaled Abu Kwayk and Hussam al-Tayti** were arrested and held in the police headquarters before being released without charge several hours later.

Four plainclothes police officers approached **Fathi Sabah**, a journalist, working then as a correspondent for *al-Haqiqa* (the Truth), at about 5pm while he was covering the march. They asked him to accompany them to a police station, saying the head of Criminal Investigation wanted him to come and drink coffee. Fathi Sabah declined the invitation, but the officers forced him to accompany them. They asked him if he had taken photos of the event. He confirmed that he had. Fathi Sabah told the officers that a representative of the Journalists' Union could go to the police station if there was a problem. An officer spoke into a radio, saying, "There is a journalist who refuses to accompany us." Fathi Sabah heard a voice say over the radio: "Bring him by force." Two of the officers picked him up and threw him into a jeep. They took him to the police headquarters where his camera, several rolls of film and 15 audio cassettes were confiscated. About four hours later, he was taken to the head of Criminal Investigation, who showed him a video of journalists taking photographs, and asked Fathi Sabah to identify them. Fathi Sabah said that he did not recognize them. After being told to look again Fathi Sabah repeated that he did not recognize them. Later police officers returned his camera, but did not give back the film or cassettes. He was released without charge at about 10pm.

Recent arrests of members of the political bureau of the Islamic National Salvation Party

Members of the Islamic National Salvation party (hizb al-khalas al-watani al-islami) have been arrested frequently for publishing material which criticized the actions of the PA.

In early 1999 the *Islamic National Salvation party* issued a public statement criticizing the State Security Court which was in the process of trying Ra'ed al-'Attar, Muhammad Abu Shamaleh and 'Usama Abu Taha in connection with the killing of Captain Rif'at Jawdeh, a Palestinian police officer, in Rafah while trying to arrest them. The statement said: "We reject the trials and sentences which are issued by the State Security Court since they are political trials which contravene the principles of fair trial". On 4 March 1999 Criminal Investigation arrested the entire secretariat of the *Islamic National Salvation party*, 11 persons, while they were holding a meeting at the party office in Gaza City. They were held at the police headquarters until the early hours of the following morning, when 10 of the detainees were released after signing an undertaking to respect the laws in force. However, **Ghazi Hamad**, the party spokesperson and managing editor of the party newspaper *al-Risaleh* (the Message), was transferred to the custody of the PSS. Ghazi Hamad told Amnesty International that he spent about a day in a corridor hooded and shackled to a chair with loud

music playing, preventing him from sleeping. He was then transferred to a cell. PSS never formally informed him why he had been arrested and never interrogated him. Some PSS officers accused him informally of inciting the events in Rafah. He was released without charge about a week later.

On 20 April 1999 *al-Risaleh* published an article alleging that the Palestinian police *had tortured a criminal suspect named Ayman al-‘Amasi. The Palestinian police denied that torture had been used and claimed that Ayman al-‘Amasi had attempted suicide.* On 22 May 1999 Criminal Investigation arrested three employees of *al-Risaleh*, **Ghazi Hamad**, managing editor, **Salah al-Bardawil**, editor in chief and **Wisam ‘Afifeh**, a journalist. The Palestinian police laid a complaint against Ghazi Hamad of publishing "false information with intent to cause fear or alarm to the public" contrary to Article 62 of the Code of Criminal Procedure. They also claimed that they had informed Ghazi Hamad that the Ayman al-‘Amasi case was under investigation and that no information should be published until the investigation was completed. Ghazi Hamad denied that he had been told this and maintained that he had published an accurate report. The day after his arrest he was interviewed by an official from the Attorney General’s office, which decided not to press charges against him and released him after he signed an undertaking that he was prepared to return to court if required to do so. Five Criminal Investigation officers, waiting outside the door as Ghazi Hamad left, asked him to come to their office for five minutes. Ghazi Hamad was convinced that they would rearrest him so he went back into the Attorney General’s office and told this to the official, who responded that he could do nothing. Ghazi Hamad remained in the office for another two hours, during which the Minister of Justice was contacted and informed of the situation. Eventually the Minister of Justice came to the office himself, took Ghazi Hamad and led him out of the building. The officers outside did not arrest him. *Salah Bardawil and Wisam ‘Afifeh were released without charge on 24 May.*

Maher al-‘Alami

The General Intelligence arrested **Maher al-‘Alami**, a freelance journalist, on 6 June 2000. He was detained for 12 days. During the previous week the General Intelligence had questioned him twice about an article which he had written supporting the teachers’ strike and about an interview he had given to a local television station where he had demanded that the PA promote a Palestinian presence and Palestinian institutions in East Jerusalem, which is under Israeli control. They told him, "You talk too much."

The day before his arrest, Maher al-‘Alami gave an interview to *al-Quds TV* about the importance of respecting the rule of law and media freedom. He said that journalists should not be detained for more than 48 hours by the PA without a warrant and that the Palestinian security forces did not have the right to close media outlets, only the Minister of Information. He commented that such measures violated the right to freedom of expression and were illegal. He spoke of the importance of implementing the Basic Law, which had been passed by the Palestinian Legislative Council, but not signed by the President. In the evening a General Intelligence officer telephoned him and asked him to go to the General Intelligence office in Ramallah to meet a

senior officer. Maher al-‘Alami went there at about 10am the following day. He was told to wait. Two hours later he was driven to the Criminal Investigation office where he waited for another hour. He was then taken to see the director of Ramallah Central Prison, who informed him that he had been detained on the orders of the President. During his detention, Criminal Investigation interviewed him twice about statements he had made and articles he had written which they said were critical of the PA. Before the Palestinian police released him on 17 June he was required to sign an undertaking that he would not speak against the PA.

Maher al-‘Alami has been harassed on numerous occasions by the various security services in connection with his work as a journalist. He had previously been held for six days by the PSS in 1995 when he was working as an editor for the Palestinian daily al-Quds, after he ignored a request by a PA official to publish an article about a meeting between President Arafat and the Greek Orthodox Patriarch on the front page.

CONCLUSIONS AND RECOMMENDATIONS

The established patterns of human rights violations outlined in this report must end. No one should be arrested or detained, subjected to ill-treatment or harassment for the non-violent expression of their beliefs. No one should be held without respect for basic due process guarantees and outside the framework of Palestinian law. Amnesty International urges the PA to implement the following recommendations immediately:

- Respect the right to freedom of expression, including the right to seek, receive and impart information and ideas;*
- Release immediately and unconditionally any prisoners of conscience;*
- Release immediately all persons whose release has been ordered by the Palestinian High Court;*
- Ensure all persons taken into custody are informed promptly of the charges against them and brought before a judicial authority within 48 hours;*

- *Ensure that all persons taken into custody are granted immediate and continuing access to their families and lawyers of their choice;*
- *Stop the practice of torture or cruel, inhuman or degrading treatment or punishment;*
- *Issue clear instructions that detainees are not to be subjected to torture or inhuman or degrading treatment or punishment and inform members of all security forces that those against whom there are allegations of torture or ill-treatment should be brought to justice in fair trials consistent with international human rights standards; and*
- *Conduct an urgent review of the Press and Publications Law 1995, the Anti-Incitement Decree of 1998 and other legislation affecting freedom of expression and repeal those provisions which contravene international standards in particular Article 19 of the UDHR.*