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Israel and the Occupied Territories including the areas under the jurisdiction of the Palestinian Authority

TRIAL AT MIDNIGHT Secret, summary, unfair trials in Gaza

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SUMMARY

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The State Security Court in Gaza, established by the Palestinian Authority, began trying cases in April 1995 of people accused of security offences such as transporting explosives, recruiting suicide bombers, or weapons training without a permit. Defendants have been members of Palestinian political groups opposed to policies of the Israeli and Palestinian authorities, and to the current peace process in particular. Most defendants were reportedly supporters of *Hamas* or *Islamic Jihad*. By 27 May the court had reportedly tried at least 33 people. Most were convicted, with sentences ranging up to 25 years' imprisonment.

Trials in this court are grossly unfair, violating minimum requirements of international law, including:

- ! the right to a fair and public trial by a competent, independent, impartial court
- ! the right to have adequate time to prepare one's defence
- ! the right to be defended by a lawyer of one's choice
- ! the right to appeal to a higher court

State Security Court trials have been held secretly in the middle of the night. Many started around midnight. Some reportedly lasted only minutes. Those presiding are security force officers who apparently have never before served as judges.

The authorities gave no advance notice of these trials. People tried by the court said they did not know they were to be tried until they were taken from their cell at night -- or

even until they set foot in the courtroom. Families of those tried were not even aware of any charges or trial until they heard on the radio that their relative had been convicted the night before.

At the State Security Court, defendants have been represented by court-appointed lawyers rather than by independent lawyers of their choice. At least some of the court-appointed lawyers are reportedly employees in the security forces. The independent lawyer of one defendant was not aware that his client was being charged or tried until he heard on the radio that his client had been convicted the previous night and sentenced to seven years' imprisonment.

Amnesty International delegates visiting Gaza in late April 1995 were unable, despite repeated requests, to attend State Security Court trials; to obtain charge sheets or transcripts; to meet people who had served as judges, prosecutors or court-appointed defence lawyers; or to see any prisoner convicted by the court.

Amnesty International has strongly condemned and opposed abuses by armed opposition groups in Gaza, including the deliberate killing of civilians by armed attacks and suicide bombs. Authorities have the right and responsibility to bring to justice those responsible for crimes. But this cannot justify trials which violate the most fundamental requirements for a fair trial, set forth by the United Nations in the International Covenant on Civil and Political Rights.

Amnesty International is calling on the Palestinian Authority to halt immediately operation of the State Security Court in Gaza and to provide fair trials in the ordinary courts for those already convicted. The organization is reiterating its call on both the Israeli and Palestinian authorities to ensure that human rights become an integral part of every stage of the peace process. Noting that representatives of the Israeli and United States governments have welcomed sentences handed down by Gaza's State Security Court, Amnesty International is calling on governments involved in the peace process to refrain from endorsing or encouraging trials which violate international human rights standards.

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This report summarizes a 25-page document (9766 words), *Israel and the Occupied Territories including the areas under the jurisdiction of the Palestinian Authority: Trial at Midnight: Secret, summary, unfair trials in Gaza* (AI Index: MDE 15/15/95), issued by Amnesty International in June 1995. Anyone wanting further details or to take action on this issue should consult the full document.

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Israel and the Occupied Territories including the areas under the jurisdiction of the Palestinian Authority

TRIAL AT MIDNIGHT Secret, summary, unfair trials in Gaza

1. The State Security Court

On 7 February 1995 Yasser Arafat, head of the Palestinian Authority, issued a special decree establishing a State Security Court in Gaza with jurisdiction over security-related offences. Section 7 of this paper examines the decree. The Palestinian Authority, established by the 4 May 1994 agreement between Israel and the Palestine Liberation Organization (PLO), has jurisdiction over part of the Gaza Strip and Jericho. As of 27 May 1995 the State Security Court has functioned only in the Gaza Strip.

The State Security Court is a special court which is not part of the ordinary criminal court system in Gaza, nor is it part of the established military court system which tries offences committed by members of the security forces. The State Security Court is sometimes referred to within Gaza as a "military court", because those serving as judges are active officers in the Palestinian Authority's military/security forces.

The State Security Court became operational on 9 April, hours after two suicide bomb attacks in Gaza which killed seven Israeli soldiers and a university student from the United States (US), injuring approximately 40 others. Islamic *Jihad* claimed responsibility for one of the attacks, the Islamic Resistance Movement (*Hamas*) for the other.

By 27 May, the State Security Court in Gaza reportedly had tried at least 33 people alleged to have committed offences such as transporting explosives, recruiting suicide

bombers, or weapons training without a permit. One defendant, Sayyed Abu Musameh, a *Hamas* leader and editor of *al-Watan* newspaper, was convicted of writing "seditious" newspaper articles, libelling the Palestinian Authority and its security forces, and "incitement against the Palestinian Authority". He reportedly was arrested after publishing an article comparing the Palestinian police to the Israeli Defence Force and accusing them of torturing suspects. Most of those tried were Islamist activists said to have been supporters of *Hamas* or *Islamic Jihad*. In one case, however, the defendants were members of the leftist Popular Front for the Liberation of Palestine (PFLP), a group within the PLO. Four of the defendants were boys reportedly aged 12 to 14. In another case the defendants were merchants accused of selling food after its sale date. Sentences have ranged up to 25 years' imprisonment; some defendants (including three of the four boys) were acquitted. For further case details, see section 10 of this paper.

The State Security Court trials in Gaza have been held secretly. All trials except one reportedly took place in the middle of the night. Many started around midnight. Some reportedly lasted only minutes. Those appointed to serve as judges in this court are active officers in the security forces who apparently have never before served as judges.

The authorities gave no advance notice of these trials. People tried by the court have reportedly stated that they did not know they were to be tried until they were taken from their cell at night -- or even until they set foot in the courtroom. Families of those tried, including those who visited their relative days or even hours before the trial took place, were not even aware of any charges or trial until they heard on the radio that their relative had been convicted the night before. Some of those tried by the court were tried, sentenced and convicted within one or two days of their arrest.

At the State Security Court, defendants have been represented by court-appointed lawyers; none have been defended by independent lawyers of their choice. At least some of the court-appointed lawyers are reportedly employees in the security forces. The independent lawyer of one defendant was not informed of the charges against his client and did not receive any notice of the trial -- he was not aware that any trial had taken place until he heard on the radio that his client had been tried the previous night and sentenced to seven years' imprisonment.

2. Visit to Gaza by Amnesty International

Two Amnesty International delegates visited Gaza in late April 1995 to observe trials and examine procedures in the State Security Court. The delegates made repeated requests to attend State Security Court trials, but they were unable to do so. They had been told by authorities that there was no objection to their attendance, but they were not informed about trials which took place in secret, in the middle of the night, during their visit. The delegates were unable to obtain charge sheets or transcripts of cases which had come before the court, and were unable to obtain any meeting with individuals who had served

as judge, prosecutor or court-appointed defence lawyer. They were also unable to see any prisoner who had been convicted by the State Security Court.

Amnesty International's delegates met a wide range of lawyers, human rights defenders and families of those who had been tried by the State Security Court. They also discussed the court with Palestinian Authority officials including Freih Abu Middain, head of the Justice department; Attorney General Khaled al-Qidrah; and Hassan Abu Libdah, deputy head of the Justice department.

This paper reflects information available to Amnesty International as of 27 May 1995.

3. Amnesty International's concerns

3.1 Violation of international standards for fair trial

State Security Court trials in Gaza are grossly unfair, violating minimum standards of international law, including:

- ! the right to a fair and public trial by a competent, independent and impartial tribunal
- ! the right to have adequate time to prepare one's defence
- ! the right to be defended by a lawyer of one's choice
- ! the right to appeal to a higher court

These rights are set forth in the *International Covenant on Civil and Political Rights*, adopted by the United Nations (UN) in 1966. In 1985 the UN General Assembly adopted the *Basic Principles on the Independence of the Judiciary*, which provide: "Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."

Amnesty International has strongly condemned and opposed abuses by armed opposition groups in Gaza, including the deliberate killing of civilians by armed attacks and suicide bombs. Authorities have the right and responsibility to bring to justice those responsible for crimes.

But no governmental authority, under any circumstances, at any time, should assign security force officers to try civilians in secret proceedings in the middle of the night, without a defence lawyer of their choice, without having time to prepare their defence, and without any appeal to a higher court. Such conduct violates the most basic requirements of international law for a fair trial, explained in detail in section 8 of this paper.

3.2 The State Security Court in the context of the peace process

Background: The agreement between Israel and the PLO

On 4 May 1994 Israel and the PLO signed the Agreement on the Gaza Strip and the Jericho Area in implementation of the 13 September 1993 Declaration of Principles on Interim Self-Government Arrangements. The Agreement established the Palestinian Authority with certain legislative and judicial functions. An interim administration was set up in the Palestinian self-governing areas headed by Yasser Arafat, pending an agreement on Israel's redeployment of its forces and Palestinian elections in the Occupied Territories. The elections, which should have been held by July 1994, according to the Declaration of Principles, have not yet been held and there is as yet no agreement on either the redeployment of Israeli forces or on precisely which areas of the West Bank are to be placed under the Palestinian Authority.

The areas placed under the jurisdiction of the Palestinian Authority after May 1994 comprise the Gaza Strip (excluding about 40 percent of the land which contains the Israeli settlements inhabited by about 5000 Israeli settlers, and other directly Israeli-controlled land) with a population of about 800,000 and Jericho, a town in the West Bank with a population of about 15,000. The two areas, 100 kilometres apart, were considered to be a first step towards the autonomy of the Occupied Territories, to be joined later by other areas of the West Bank.

Suicide bombings and other attacks on Israeli civilians and military personnel have been followed by closures of the borders between Israel and the Israeli-annexed areas of East Jerusalem and the Golan Heights, and the Occupied Territories of the Gaza Strip and the West Bank. During border closures Palestinians registered in the Occupied Territories cannot travel to Israel and annexed East Jerusalem and the Golan Heights; as a result most of those with jobs cannot get to work and a number of sick people cannot reach hospitals for specialised treatment.

Amnesty International's concerns

Amnesty International continues to call on both the Israeli and Palestinian authorities to ensure that human rights become an integral part of every stage of the peace process. The Palestinian Authority, Israel and the international community must recognize that security can be protected without violating basic human rights. In security-related cases, it is particularly important that minimum fair trial standards be scrupulously respected, and that no violations of international human rights norms be committed or tolerated by any government.

The unfair trials in the State Security Court contravene not only international standards for fair trial, but also provisions of the PLO-Israel agreement of 4 May 1994, specifically:

! Article XIV: "Israel and the Palestinian Authority shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law."

! Article VI: The "Palestinian Authority...will administer justice through an independent judiciary."

The trials in the State Security Court have followed Israeli pressure on the Palestinian Authority to act against those believed to be carrying out or supportive of acts of violence against Israelis. Israeli Government officials have repeatedly declared that progress in the peace process, including the timetable for Palestinian elections and the redeployment of Israeli troops, will depend on efforts by the Palestinian Authority to act against those engaged in political violence. For example, on 10 March 1995 an Israeli Foreign Ministry official said "the implementation of empowerment will be clearly linked to very specific actions undertaken by the Palestinians against terror. We are talking about Palestinian moves to arrest and bring to trial those Palestinians suspected of terror" (*Jerusalem Post*, 10 March 1995).

While it is appropriate for governments to call for those who have committed violent crimes to be brought to justice, Amnesty International is concerned that representatives of the Israeli Government and of the US Government (one of the governments which signed the PLO-Israel agreement as a witness) have made favourable comments about trials in Gaza's State Security Court, a court which at the time of its establishment on 7 February 1995 appeared to contravene international standards (as explained in section 7 of this paper). In fact representatives of both the Israeli and US governments welcomed the first sentences handed down by the State Security Court at trials which so clearly violated international human rights norms.

Press reports on 12 April 1995 referred to comments by Israeli Environment Minister Yossi Sarid expressing satisfaction with the first round of Gaza's State Security Court trials: "We had specific demands, one of which was to bring terrorists to trial and that was done yesterday, and this is how it should be. If it is clear to us that these are not one-time acts, but are part of a determined and consistent policy, then I think the chances of concluding the negotiations by July 1 and implementing them not later than this autumn will improve" (*Jerusalem Post*, 12 April 1995).

When US Vice President Al Gore met PLO Chairman Yasser Arafat in Jericho on 24 March 1995 (after the State Security Court had been established but before it had begun operation on 9 April), Chairman Arafat reiterated his pledge "to combat terrorism" and to bring to trial alleged security offenders in special courts. Vice President Gore publicly welcomed these pledges as "an important step forward in helping to build confidence in

the peace process and in the effort by authorities on all sides to control violence and stop terrorism and defeat the enemies of the peace process" (*Los Angeles Times*, 26 March 1995). At the same time Vice President Gore announced a package of US economic aid for projects designed to create jobs in the Gaza Strip.

On 5 April Vice President Gore referred to Gaza's State Security Court when speaking to a conference of the Washington Institute for Near East Policy, a Middle East think-tank in Washington, D.C.: "I know there has been some controversy over the security courts. I personally believe that the accusations are misplaced and that they (the Palestinians) are doing the right thing and moving forward and that they must move forward now with the prosecutions" (*Reuter*, 5 April 1995).

On 10 April (the day after the State Security Court handed down its first sentence) a US State Department spokesperson commented on steps the Palestinian Authority had taken in response to recent attacks by armed opposition groups. Christine Shelly, Deputy Spokesman and Deputy Assistant Secretary for Public Affairs of the State Department, said:

"In response to the latest attacks, the Palestinian Authority, reportedly, has arrested more than 150 Hamas and Islamic Jihad activists. They have sentenced to 15 years imprisonment Islamic Jihad member Samir Ali al-Jedi for his involvement in terrorist activities.

"We expect the Palestinian authority to take this type of concrete action against those within its jurisdiction who seek to destroy the peace process through acts of violence and terror."

(US State Department record of daily press briefing, 10 April 1995)

On 11 April, after the second State Security Court trial, US State Department spokesman Nicholas Burns said in a regular State Department press briefing:

"As you know, we've called upon the Palestinian Authority to take concrete steps to effectively preempt and to prevent terrorist acts by arresting and trying and prosecuting those who advocate and practice violence. The Palestinian Authority obviously has taken action over the last 24 hours to do that. Chairman Arafat has expressed his commitment to addressing the security concerns of Israel, and we very much expect and hope that the Palestinian Authority will continue these efforts. I would just note that I think there have been over 150 arrests during the last 24 hours in Gaza. There have been two sentencings -- one yesterday for 15 years, one today to life -- for people convicted of having aided and abetted terrorism or directed it.

"I would also note that both the Secretary of State, in his March meeting with Chairman Arafat in Gaza, and the Vice President, in his subsequent meeting with Arafat in Jericho, also made a very strong case to Chairman Arafat that the Palestinian Authority had to ...take tough measures against terrorism. The Secretary followed up last Sunday, directly after the two bombings, by calling Chairman Arafat and reinforcing that point."

(US State Department record of daily press briefing, 11 April 1995)

At the 12 April State Department press briefing, spokesperson Nicholas Burns again referred to developments in Gaza, stating:

"There have been two major sentencing [sic] of criminals -- people who the Palestinian authority believes have been directly implicated in terrorist acts, and I would just say, it's essential that this policy be sustained over time. And that the Palestinian authority take it very seriously and prosecute these people who are responsible for these crimes."

(US State Department record of daily press briefing, 12 April 1995)

In response to a question about the arrest and interrogation by the Palestinian Authority of a Gaza Reuters correspondent, the reported beating of some of his friends, and reported similar pressures on other journalists in Gaza, Nicholas Burns said:

"The Palestinian Authority has an obligation to maintain security in Gaza, and we fully expect that they'll take that obligation seriously and they'll prosecute people who they think are guilty of violations of order and of crimes, such as the crimes that were committed last Sunday in the two bombings. At the same time, the Palestinian Authority has a responsibility to maintain basic standards of human rights and to construct a system based on the rule of law. Both are important, and we hope that they can deal with both successfully."

(US State Department record of daily press briefing, 12 April 1995)

While Amnesty International is pleased to see references by this US State Department spokesperson to the general importance of human rights protection in Gaza, the organization is concerned that his statements nevertheless welcome the State Security Court's convictions and sentences, and call for further prosecutions without any indication that this should be done only in a court which satisfies minimum requirements for fair trial.

The State Security Court sentences welcomed publicly by representatives of the Israeli and US governments were imposed at trials which took place in secret, without advance notice, in the middle of the night, with security force officers serving as judges. The defendants were not represented by a defence lawyer of their choice, did not have time to prepare their defence, and were not able to appeal to a higher court.

These comments by the Israeli and US governments, welcoming sentences by a court which so grossly violates internationally-recognized human rights standards, are incompatible with the obligation of these governments under the UN Charter to promote "universal respect for, and observance of, human rights and freedoms for all." The rights violated by Gaza's State Security Court are the same rights which both Israel and the United States pledged to respect when they ratified the International Covenant on Civil and Political Rights.

4. Abuses by armed opposition groups

During 1994 and 1995 Palestinian armed political groups opposed to policies of the Israeli and Palestinian authorities, and to the current peace process in particular, have killed scores of Israelis (both soldiers and civilians) in Israel, the Gaza Strip and the West Bank. Armed Israelis, linked to Israeli groups such as *Kach*, opposed to the peace agreement, have also killed and reportedly beaten Palestinian civilians.

Hamas, *Islamic Jihad* and groups within the PLO such as the Democratic Front for the Liberation of Palestine (DFLP) have claimed responsibility for suicide bombings or armed attacks within Gaza which have killed Israeli soldiers and civilians.

Amnesty International strongly condemns and opposes abuses by armed political groups, such as the deliberate killing of civilians, hostage-taking and torture. It has urged all armed opposition groups in Israel and the Occupied Territories including the areas under Palestinian Authority jurisdiction to end all such abuses and respect human rights and the principles of humanitarian law. These abuses can never be justified and are forbidden by international law. Amnesty International's opposition to abuses by armed opposition groups stems from the same respect for human life, security and liberty which compels its work to oppose human rights violations by governments.

However, no level of abuse committed by armed opposition groups can justify human rights violations by governmental authorities. Authorities have the right and responsibility to bring to justice those responsible for crimes, but the accused must receive fair trials which meet the minimum requirements of international law.

5. Comments by Palestinian Authority officials

Amnesty International welcomed Yasser Arafat's undertaking given to the organization in October 1993 that the PLO was committed to respect all internationally recognized human rights standards and to incorporate them fully into Palestinian legislation.

Amnesty International is concerned that Palestinian Authority officials have made comments indicating that they believe security considerations justify the exceptional

nature of the trials in Gaza's State Security Court. On the contrary, the State Security Court violates the most basic, minimum international standards for fair trial, fundamental human rights which cannot be arbitrarily set aside.

Attorney General Khaled al-Qidrah told Amnesty International's delegates that Gaza needed a special court because of the serious security situation, but he emphasized that the Palestinian Authority is not resorting to emergency powers. He said that all criminal cases which come before courts in Gaza, including the State Security Court, are investigated by his office. He said the court sessions were being held in the middle of the night for "technical reasons", and that this was not an attempt to hide anything. He claimed that the relevant authorities started examining these cases during the day, and by the time they were ready for trial it was the middle of the night.

Freih Abu Middain, head of the Justice department, stated that it would take too much time to try security cases in the ordinary courts, and that the authorities were in a "race against time" to deal with cases related to violent attacks.

Hassan Abu Libdah, deputy head of the Justice department, told Amnesty International's delegates that the State Security Court was being used in the narrowest way possible. He said the authorities had no other choice but to use this court, because of the need for strong, quick action.

On 29 April 1995 Palestinian Authority Planning Minister Nabil Sha'ath commented on Amnesty International's 27 April news release which called on the authorities to halt operation of the State Security Court because it violated minimum standards of international law. He reportedly said: "It is very difficult to maintain security at the same time as maintaining all the regular, legal precautions built into a civil court. The authority had to deliver a clear message that it will not accept or tolerate violations of this agreement or of its security. The State Security Court is a message, not a venue for the future behaviour of the Palestinian Authority." (*Agence France Press*, 2 May 1995). He said there would be no need for this court if all opposition parties committed themselves to the PLO-Israel accord. (*Jerusalem Post*, 30 April 1995).

6. Palestinian human rights defenders and the State Security Court

A number of Palestinian human rights defenders and organizations, including the Gaza Center for Rights and Law, *al-Haq*, and the Palestinian Independent Commission for Citizens' Rights, have strongly criticized the State Security Court for violating human rights and undermining the rule of law. They have called on the Palestinian Authority to disband the State Security Court and to move the cases to the ordinary courts of Gaza.

Raji Sourani, a Palestinian human rights lawyer who until 1 April 1995 was Director of the Gaza Center for Rights and Law (an affiliate of the Geneva-based International Commission of Jurists), was detained after his organization issued a

statement on 12 February 1995 publicly criticizing the establishment of the State Security Court. He was awakened at his home by the police at 12:20am on 15 February and told to report to al-Rimal Police Station, where he was held for 16 hours during which he was questioned by Attorney General Khaled al-Qidrah about his opposition to the new court. The Gaza Center's 12 February statement had called for the authorities to cancel the order establishing the court. It said the creation of the court "appears to undermine the basis of democracy, the independence of the judiciary, and the separation of powers between arms of government, all of which are fundamental to ensuring respect for human rights." The statement also referred to "enormous pressures on the Palestinian Authority" from Israel as a factor in the establishment of the State Security Court.

The Gaza Center for Rights and Law was organizing a seminar to be held on 22 March, inviting human rights defenders, jurists and Palestinian Authority officials to discuss the new State Security Court in Gaza, but this was cancelled when the Director-General of the Palestinian Police, Brigadier-General Ghazi al-Jabali, prohibited the seminar. Brigadier-General al-Jabali later sent a letter to the Gaza Center saying that "the workshop is aimed at embarrassing the PNA [Palestinian National Authority] and the Center is acting as if it is above the law." Raji Sourani responded: "We did not set out to embarrass the PNA at all. We wanted to discuss the issue [of the State Security Court]." On 22 March *al-Haq*, the West Bank affiliate of the International Commission of Jurists, sent a letter to Brigadier-General al-Jabali, protesting his decision to prohibit the seminar. *Al-Haq's* letter called for the decision to be revoked on the grounds that it had no legal basis, violated the rights to freedom of expression and peaceful assembly, and represented a "serious impediment to the work of human rights organizations and other professional NGOs [non-governmental organizations]." *Al-Haq's* letter also stated: "The subjection of discussions, particularly those of a professional nature, on matters of interest to citizens and to society, to restriction by the security authorities, is an obstacle to the process of building Palestinian society, a process in which every Palestinian individual and organization is entitled to participate."

On 1 April 1995 the board of the Gaza Center for Rights and Law dismissed Raji Sourani from his position as Director. Raji Sourani issued a statement declaring that he believed this action was directly linked to pressure which the Palestinian Authority had been exerting on the Gaza Center after its criticism of the human rights record of the authorities in Gaza, including criticism of the State Security Court. The board of the Gaza Center issued a statement denying that the dismissal was related to the Center's recent criticism of the Palestinian Authority's record, and stating that Raji Sourani had been dismissed because of his management style.

On 18 April the Gaza Center for Rights and Law issued a statement expressing concern about the State Security Court, and calling on the authorities to reconsider the decision establishing the court. The statement referred to specific defects, including the secrecy of the proceedings, the failure to give notice of the trials to families of defendants, and the fact that the families of some of those tried by the court had not secured lawyers

for their relative because the security forces had detained them on the "pretext of maintenance of protection and security."

Hanan Ashrawi, director of the Palestinian Independent Commission for Citizens' Rights, criticized the decree establishing Gaza's State Security Court: "I don't think the security of the State of Israel is justification for setting up military courts like this. If a closure [by Israel of its borders with Gaza and the West Bank] is used as a punitive measure, we shouldn't set up military courts in response to an illegal measure by Israel" (*Jerusalem Post*, 17 February 1995). In late April 1995 the Palestinian Independent Commission for Citizens' Rights called for the dismantling of the State Security Court, accusing it of "violations of the legal rights" of defendants. The Commission issued a public statement on 8 May 1995 reiterating its call on Yasser Arafat to dismantle the court, and calling for all cases (including those already tried by the State Security Court) to be dealt with by the ordinary courts. The statement lists in detail the court's "unfair procedures against the rights of the accused". The statement concludes: "Despite the special conditions and circumstances through which the Palestinian National Authorities are passing, there is no justification for forming this kind of court..., especially since there is available a civil court system that can prosecute all persons and all crimes and violations in a way that maintains security and stability."

Al-Haq expressed "deep alarm" in February 1995 when it was first reported that the State Security Court would be established. A 9 February *al-Haq* press release called for the decree establishing the court to be rescinded immediately, and for the Palestinian Authority to "respect the right of all civilians to a fair trial before the ordinary courts." The press release also stated:

"Although the precise details of how these courts will operate are not yet available, it is already apparent that the decree will oust the jurisdiction of the ordinary civil courts, undermine established rules of civil judicial procedure, and make judicial decisions subject to ratification by the executive. This is in violation of basic principles of the Rule of Law, as well as of the right to equality before the law and the right to a fair and public hearing by a competent, independent and impartial tribunal, guaranteed by Article 26 and Article 14 of the International Covenant on Civil and Political Rights.

"This move by the PNA [Palestinian National Authority] threatens the very foundation of Palestinian civil and political rights. The creation of Palestinian military courts is particularly offensive as it is reminiscent of Israeli military courts which have so totally undermined judicial independence throughout the years of occupation."

Fateh Azzam, director of *al-Haq*, reiterated the organization's concern after the State Security Court began functioning. He called the court "the single most serious threat to judicial rights of Palestinians", noting that it is presided over by military officers whose legal training is not specified. He said the manner in which the court had functioned confirmed *al-Haq's* worst fears: defendants were brought to court without having time to

prepare a defence and without even knowing the charges against them, court sessions were held in the middle of the night, and defendants could not have their lawyers present. He reportedly added that there is nothing to deter the State Security Court from violating basic principles of fair trial, because the court has vocal support from the Israeli and US governments, and because the Palestinian Authority feels great pressure to get results quickly and to send a message to its population [*Palestine Report*, 16 May 1995].

Nazem Oweidah, Deputy Chairman of the Bar Association in Gaza, reportedly expressed concern about the State Security Court in late March 1995, saying that the ordinary judicial system in Gaza should handle security cases: "According to our Palestinian law, the civilian courts can deal with security cases in a better and more just way than the state security courts" (*Biladi/Jerusalem Times*, 31 March 1995).

Haidar Abdel Shafi, head of the Red Crescent Society in Gaza and former head of the Palestinian negotiating team in the discussions with Israel which led to the PLO-Israel agreement, reportedly expressed concern in March 1995 about "the inherent dangers" of the newly established State Security Court (*Biladi/Jerusalem Times*, 31 March 1995). He was reportedly involved at that time with a group of at least twenty non-governmental organizations in the Gaza Strip lobbying Yasser Arafat to rescind the order establishing the court.

7. The decree establishing the State Security Court

The 7 February 1995 decree by Yasser Arafat states that the State Security Court shall be chaired by "a high-ranking officer with two lower-ranking officers." The decree gives the court jurisdiction "over crimes which infringe internal and external state security and over the felonies and misdemeanours mentioned in Order 555 of 1957." Order 555, issued by the Administrative Governor of Gaza during the period of Egyptian rule, sets forth punishments (in some cases the death penalty) for a list of offences relating to security.

The decree refers to Article 59 of the Palestinian Constitution promulgated in Gaza in 1962, which states that: "Military courts may be established by order of the Governor General to adjudicate crimes affecting internal or external security, and the security of military forces and their safety. The judgments of such courts are to be ratified by the Governor General."

The 7 February decree therefore provided that the State Security Court would displace the ordinary courts of Gaza in security cases and that security force officers would serve as judges trying civilians. By reference to Article 59 of the Palestinian Constitution, the decree suggested that decisions of the State Security Court would be subject to ratification by the executive authority rather than appeal to a higher tribunal. Therefore even though the court did not begin to function until 9 April, already on 7 February it appeared to contravene internationally-recognized rights, including the right to

a competent, independent and impartial tribunal; the right to be tried by ordinary courts using established legal procedures; and the right to appeal to a higher tribunal.

8. Rights violated by the State Security Court

8.1 Violation of the right to a fair and public trial

The *Universal Declaration of Human Rights* provides that "everyone [charged with a criminal offence] is entitled in full equality to a fair and public hearing" (Article 10). Article 14 of the *International Covenant on Civil and Political Rights* also guarantees this right. The right to a public trial is intended to protect a defendant from abuse of the criminal process, and to allow the public to assess whether justice is being done.

All State Security Court trials in Gaza have been held secretly, and all except one reportedly took place in the middle of the night. The proceedings have been summary: every trial has finished the same night it started, sometimes reportedly lasting only minutes.

The authorities gave no advance notice of these trials. Neither the public, nor the families of defendants, nor human rights monitors, nor the press has been allowed to attend any trial so far. Attorney General Khaled al-Qidrah stated that it is not the job of the State Security Court or the authorities to invite anyone to the proceedings.

Many of the trials reportedly started around midnight or 1am. For example, the trial of Ra'ed al-Attar and Muhammad Abu Shamalah, accused of "disturbing security" and "weapons training without a permit", reportedly started around midnight and lasted only a few minutes before they were convicted and sentenced. The trial of Samir al-Jedi, accused of recruiting suicide bombers, reportedly started around 1am and lasted several hours. Amnesty International has been unable to confirm the exact duration of these and other trials because of their secrecy.

Amnesty International delegates who visited Gaza in late April 1995 made repeated requests to observe sessions of the State Security Court. The authorities said that there was no objection. However, the delegates were not informed about the State Security Court trials which took place secretly during their visit.

The secrecy surrounding the State Security Court extends beyond the trial proceedings themselves. Amnesty International's delegates were unable to obtain from the authorities even basic information about the trials. When they asked to see the charge sheet of each defendant tried by the court, the Attorney General denied the request, stating that charge sheets in these cases are only given to the defendants and their court-appointed lawyers. Amnesty International has also been unable to obtain transcripts of the

proceedings in the State Security Court. Charge sheets and transcripts of trials in Gaza's ordinary criminal courts are publicly available.

Amnesty International's delegates made repeated requests to the authorities for meetings with individuals who had served as judges, prosecutors or court-appointed defence lawyers in the State Security Court. Amnesty International was unable to obtain any such meeting.

Amnesty International also requested to meet with prisoners who had been convicted by the State Security Court, but was unable to obtain a meeting with any prisoner.

The secrecy of these summary proceedings and the refusal of the authorities to provide basic information violates the right to a fair and public trial, and shields the State Security Court from proper scrutiny by Palestinian society, the press, human rights defenders and the international community.

8.2 Violation of the right to a competent, independent and impartial tribunal

The *International Covenant on Civil and Political Rights* provides that anyone charged with a criminal offence is entitled to a fair hearing by a competent, independent and impartial tribunal [Article 14(1)]. The *Universal Declaration of Human Rights* sets forth a similar guarantee. The *UN Basic Principles on the Independence of the Judiciary* emphasize the absolute necessity of judicial independence, and require that this independence be guaranteed by such means as proper selection and removal procedures, training and guaranteed tenure. Principle 5 of these principles states: "Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."

In Gaza's State Security Court, civilians have been convicted and sentenced by security force officers who apparently have never before served as judges, and who have no guaranteed tenure. For each case which comes before the court, Yasser Arafat or another executive authority reportedly appoints three security force officers to sit as judges for that particular trial. While these officers may have studied law at some point in their lives, they do not come from the established ranks of judges in Gaza and have never served in the ordinary courts applying criminal law to civilian defendants.

In fact, the security officers reported to have presided over the State Security Court apparently are not even military judges in the military court system in Gaza (which has jurisdiction over offences committed by members of the security forces). For example, Colonel Hamdi Rifi, one officer who has served as a judge on the State Security Court, reportedly heads the Gaza drugs squad. Among the others who have served as judges are Brigadier-General `Abd al-Fattah Ju'aydi, reportedly head of the Gaza border police;

Colonel Samih Naser, reportedly head of training for Gaza's security forces; and Colonel Isma'il Shafi', reportedly commander of the security forces in the southern part of Gaza.

On 26 April 1995 the authorities arrested Colonel Samih Naser, reportedly because he refused to continue serving as a judge on the State Security Court. He was reportedly released about three days later, after agreeing to return to the court.

Amnesty International's delegation which visited Gaza in late April 1995 sought to confirm the precise background of security force officers who had presided over the State Security Court, and to discuss trial procedures with them. However, the delegates were unable to obtain any meetings with such officers.

The apparent lack of judicial experience among those presiding over the State Security Court is particularly worrying given the complex and serious nature of the cases being tried by this court. Civilian defendants can be sentenced to long prison terms or even death.

Furthermore, the security officers who are appointed on a case-by-case basis to serve as judges on the State Security Court do not have guaranteed tenure, which is essential in safeguarding the independence of judges. In contrast, the judges in the ordinary courts in Gaza reportedly are appointed to serve until age 60 (with the possibility of extensions until age 65).

By appointing security force officers on an *ad hoc* basis to serve as judges on the State Security Court, the authorities in Gaza are violating the right to a fair hearing by a competent, independent and impartial tribunal.

8.3 Violation of the right to be promptly charged, and the right to have time to prepare one's defence

Two fundamental, interrelated safeguards for a fair trial are the right to be informed promptly and in detail of the charges against oneself, and the right to have adequate time to prepare one's defence. Both these rights are recognized in Article 14 of the *International Covenant on Civil and Political Rights*. Only with adequate advance notice of specific allegations can a suspect and his/her family know the accusations, have time to obtain and consult a lawyer of their choice, collect relevant evidence and seek witnesses. Without time for these steps, the court will not have before it evidence relevant to the case, defendants will not be able to exercise their rights, and the trial will not be fair.

Those tried by the State Security Court in Gaza were not given adequate notice of charges and did not have time to prepare their defence. In fact, defendants reportedly said that they did not hear the charges against them and did not know they were to be tried until they were taken from their cell the night of their trial -- or even until they set foot in the courtroom. Families of defendants, even those who visited their relative days or hours before the trial took place, were not aware of any charges or trial until they heard on the

radio that their relative had been charged, tried, convicted and sentenced in the middle of the night.

The family of 'Aziz al-Shami, a 25-year-old married worker with five children, visited him at Gaza Central Prison on 14 April 1995, less than one day before he was tried by the State Security Court. Even then he reportedly did not know that he was to be charged or tried. In fact, he said he had been told from time to time that he was to be released. The family was not informed that any charges were to be brought or that any trial would take place. They only heard of the trial the day afterwards when Israeli radio announced that 'Aziz al-Shami had been tried the night before and sentenced to 15 years' imprisonment for inciting youths to become suicide bombers.

In other cases there was a similar failure to give advance notice to detainees and their families about charge and trial. The families of 'Umar Shallah (a 29-year-old married preacher); Samir al-Jedi (a married 34-year-old builder with two daughters); and Muhammed Abu Shamalah and Ra'ed al-Attar (unmarried youths from Rafah, in the southern part of the Gaza Strip near the Egyptian border) visited them in Gaza Central Prison between two and nine days before they were tried by the State Security Court, accused of various security offences. Yet in all these cases, even at the time of those visits the defendants reportedly did not know anything of charges or a planned trial. None of their families were informed that any trial would take place -- they first became aware of the trial the day afterwards, when Israeli radio announced that their relative had been tried, convicted and sentenced the night before.

The family of Muhammad al-Simri, a 20-year-old married driver with four children, reportedly was not allowed to visit him at all during the 27 days between his arrest and trial. They first saw him on 18 April, the day after his trial. He reportedly said he did not know that he was going to be tried until the moment he was taken to the courtroom around 10pm, where eventually the trial started and lasted until around 3am. Neither his family nor his lawyer were aware that any trial had taken place until they heard a radio announcement the day after the trial that he had been convicted and sentenced to seven years' imprisonment for "carrying bombs/harmful substances to Israel".

In the cases described above, the defendants were reportedly members of Islamic *Jihad* or *Hamas*.

Sayyed Abu Musameh, a *Hamas* leader and editor of *al-Watan* newspaper, was tried and sentenced by the State Security Court on the night of 14 May, less than 24 hours after being arrested. PFLP member 'Awni Kafarnah and 14-year-old Tahar Kafarnah were tried and sentenced less than 48 hours after their arrest. Four merchants were reportedly arrested, tried and sentenced all on the same day (14 May).

In case after case, therefore, the authorities have violated the right to be promptly charged and the right to have adequate time to prepare one's defence.

Amnesty International sought to learn the precise details of the charges in each case which has come before the Security Court, but the Attorney General refused to allow the organization to see charge sheets, and transcripts could not be obtained.

8.4 Violation of the right to be defended by a lawyer of one's choice

Anyone charged with a crime is entitled "to communicate with counsel of his own choosing" and "to defend himself in person or through legal assistance of his own choosing" (*International Covenant on Civil and Political Rights*, Article 14). The *UN Basic Principles on the Role of Lawyers* provide that "all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings" (Principle 1).

None of those tried so far by Gaza's State Security Court has been represented by an independent lawyer of his own choosing. Palestinian Authority officials told Amnesty International that the defendants were assigned court-appointed lawyers to represent them during the trial.

Even when the authorities were aware that a detainee had a lawyer of his own choice, that lawyer was not able to represent his client in the State Security Court and was not even informed that a trial would take place. Fu'ad Shiniwra, the lawyer of Muhammad al-Simri, visited his client in Gaza Central Prison in late March 1995. At that time he informed the authorities that he had been formally appointed by Muhammad al-Simri and his family to represent the detainee. Nevertheless, this lawyer did not receive notice of any charges against his client or any trial. He was not aware of any trial until 17 April when he heard on the radio that the State Security Court had tried his client the previous night and sentenced him to seven years' imprisonment.

Others tried by the State Security Court reportedly said they had not hired lawyers because they had expected to be released, rather than charged and tried. Since May 1994 there have been waves of arrests in Gaza of members of *Hamas* and *Islamic Jihad* and other suspected opponents of the peace process. Nearly all of those arrested were released uncharged after being held for days or weeks in detention without access to lawyers or judges, though some were held for longer periods.

'Aziz al-Shami's family reportedly did not hire a lawyer for him because he had been told by the authorities that he would be released. 'Umar Shallah and his family reportedly did not see any reason to appoint a lawyer because he was told that the time of his release depended on the decision of Yasser Arafat. Other detainees and their families said they had not hired a lawyer because they did not expect charges to be brought. Detainees reportedly did not know they were going to be charged or tried until they were taken from their cells to the courtroom.

Amnesty International is also concerned by reports that at least some of those who served as court-appointed defence lawyers in the State Security Court are members of the

security forces in Gaza and may not have belonged to Gaza's Bar Association (the professional association of all practising lawyers in Gaza). For example, two such individuals reportedly were no longer practising lawyers when they were appointed to represent defendants in the State Security Court -- they were employees in the security forces.

Amnesty International is further concerned by reports that some of those tried by the State Security Court have stated that their court-appointed defence lawyers said little or nothing on their behalf during the trial. This would contravene basic professional obligations of lawyers, set forth in the *UN Basic Principles on the Role of Lawyers*, to promote the cause of justice, to act diligently in the interest of their clients, and to "seek to uphold human rights and fundamental freedoms recognized by national and international law" (Principle 14). Other court-appointed lawyers reportedly did make some effort to represent their clients during the proceedings, but they were said to have received the case files only hours before the trials began.

Amnesty International delegates who visited Gaza in April 1995 sought to clarify the background of court-appointed defence lawyers, and their conduct during trials. However, despite repeated requests they were unable to obtain any trial transcripts, any access to trials, or any meetings with people who had served as court-appointed defence lawyers.

8.5 Violation of the right to appeal

Those convicted by Gaza's State Security Court have no right to appeal to a higher court; the court's decisions are subject only to ratification by Yasser Arafat. This violates a fundamental guarantee for a fair trial: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law." [*International Covenant on Civil and Political Rights*, Article 14(5)].

It has been reported that Yasser Arafat has the power to increase or lighten sentences imposed by the State Security Court. If it is true that he may increase sentences, such a power would represent a clear infringement by the executive branch of the independence of the judiciary, and a violation of the *UN Basic Principles on the Independence of the Judiciary*.

The ordinary criminal court system in Gaza provides a right of appeal to a higher tribunal.

8.6 Violation of the duty of prosecutors to protect human rights

The *UN Guidelines on the Role of Prosecutors* requires that "prosecutors shall...respect and protect human dignity and uphold human rights, thus contributing to ensuring due

process and the smooth functioning of the criminal justice system" (Article 12). These UN guidelines further require that governmental authorities ensure that "prosecutors have appropriate education and training and should be made aware of the ideals and ethical duties of their office, of the constitutional and statutory protections for the rights of the suspect and the victim, and of human rights and fundamental freedoms recognized by national and international law" (Article 2).

While some early reports suggested that those who act as prosecutors in Gaza's State Security Court are members of the security forces, it appears that in fact prosecutors from the ordinary courts have been used on an *ad hoc* basis. Amnesty International delegates who visited Gaza in April 1995 made repeated requests to meet individuals who had served as prosecutors in the State Security Court, in order to learn about their background and training, and to ask about their role in the court's proceedings. Amnesty International was unable to obtain any such meeting.

Prosecutors who participate in the State Security Court proceedings which so fundamentally contravene fair trial standards are not fulfilling their internationally-recognized, professional obligation to "protect human dignity and uphold human rights."

9. Alleged ill-treatment of some defendants

Two of those tried by the State Security Court were allegedly beaten while in detention. Muhammad al-Simri told his lawyer and his family that he had been beaten by interrogators after his 21 March arrest. Tahar Kafarnah (aged 14) told his family that he had been severely beaten after his 23 April arrest while being urged by his interrogators to name 'Awni Kafarnah, his cousin, as an accomplice in his actions. His family stated that when they saw him the day after his arrest he had marks of severe beating on his body, and the skin was broken on his arms. Amnesty International's delegates in Gaza asked to meet these prisoners in order to seek further information about the allegations, but they were unable to obtain access to any prisoners who had been convicted by the State Security Court.

In the areas under the jurisdiction of the Palestinian Authority, Amnesty International has received serious allegations of torture of detainees accused of drugs offences, offences against morality, or crimes carried out in collaboration with Israeli intelligence services. (For further information, see Amnesty International, *Israel and the Occupied Territories including the areas under the jurisdiction of the Palestinian Authority: "Human rights: A year of shattered hopes"*, May 1995, AI Index MDE 15/07/95.) Two detainees have died in detention in circumstances where torture may have caused or hastened their death. Amnesty International has called on the Palestinian Authority to ensure that all reports of torture and ill-treatment are thoroughly and impartially investigated, and to make clear to all law-enforcement personnel that the use of torture and ill-treatment will not be tolerated under any circumstances.

Before March 1995 Amnesty International had not received any reports of torture or ill-treatment against the hundreds of detainees arbitrarily arrested by the Palestinian Authority and held for up to two months for suspected sympathy with *Hamas*, *Islamic Jihad*, or other political groups which rejected the peace process. Allegations that Muhammad al-Simri and Tahar Kafarnah were ill-treated increase the fear that, if torture is allowed to continue with impunity in the areas under the jurisdiction of the Palestinian Authority, there is a serious danger that it may spread and become generalised.

10. Cases tried by the State Security Court

Amnesty International does not have precise and full information about all cases tried by the State Security Court in Gaza, because the organization has not been allowed to see charge sheets, and despite repeated requests has been unable to obtain transcripts or access to the trials. However, according to reports the following cases had been tried in the court by 27 May 1995:

Reported date of trial and judgment	Name of defendant	Alleged offence (as reported)	Reported sentence	Reported date of arrest
night of 9-10 April 1995	Samir al-Jedi	Recruiting suicide bombers	15 years	7 March 1995
night of 10-11 April	'Umar Shallah	Recruitment for suicide bombing; assisting bombers	25 years	24 January
night of 14-15 April	'Aziz al-Shami	Inciting youths to become suicide bombers	15 years	5 February
night of 15-16 April	Ra'ed al-Attar	Disturbing security; weapons training without a	2 years	3 March

Reported date of trial and judgment	Name of defendant	Alleged offence (as reported)	Reported sentence	Reported date of arrest
		permit		
night of 15-16 April	Muhammad Abu Shamalah	Disturbing security; weapons training without a permit	2 years	3 March
night of 16-17 April	Muhammad al-Simri	Carrying bombs/harmful substances to Israel	7 years	21 March
night of 20-21 April	Muhammad al-Sayed	Incitement to carry out suicide bombing	7 years	2 February
night of 20-21 April	Khaled Mutleq	Incitement to carry out suicide bombing	4 years	2 February
night of 23-24 April	Sa'ad Muslah Abu Khalifah	Accomplice to murder; disturbing public order	3 years	10 March
night of 23-24 April	Salah Muhammad 'Asaliya	Accomplice to murder; disturbing public order	3 years	15 April
night of 23-24 April	Ra'ed Awad al-Qanu'	Accomplice to murder; disturbing public order	acquitted	10 March
night of 24-25 April	'Awni Muhammad Kafarnah	Incitement to carry out armed operations	1 year	24 April

Reported date of trial and judgment	Name of defendant	Alleged offence (as reported)	Reported sentence	Reported date of arrest
night of 24-25 April	Tahar Kafarnah (age 14)	Attempting to carry out an armed operation	6 months in a reformatory	23 April
night of 24-25 April	three boys aged 12 to 14	Attempting to carry out an armed operation	acquitted	23 April
night of 29-30 April	Mahmoud Abu Jameh	trading in weapons without a license	1 year	23 April
night of 29-30 April	Talal Nadi Husayn al-'Arami	trading in weapons without a license	1 year	not known to Amnesty International (AI)
night of 30 April - 1 May	Akram Abu Shanab	illegally acquiring arms; resisting arrest; firing at policemen	12 years	8 April
night of 14 May	Sayyed Abu Musameh	writing "seditious" newspaper articles; libelling the Palestinian Authority and its security forces; "incitement against the Palestinian Authority"	3 years	13 May
14 May (reportedly)	Mustafa Kamel	selling food past its sale	2 months or 250 shekels	14 May

Reported date of trial and judgment	Name of defendant	Alleged offence (as reported)	Reported sentence	Reported date of arrest
during the day)	al-'Ayyach	date	(around US\$ 83)	
14 May	Mustafa Abed Hamami	selling rotten food	2 months or 250 shekels	14 May
14 May	Ra'ed Mahmud Aser	selling food past its sale date	3 months	14 May
14 May	Zaki Abed Rabbu Mahmoud Nasar	selling rotten food	1 year	14 May
night of 19-20 May	Harith 'Abd al-Karim Abu Humayd	preparing suicide bombings; possessing weapons without a permit	6 months	not known to AI
night of 19-20 May	Ahmed al-Ajrami	preparing suicide bombings; possessing weapons without a permit	6 months	not known to AI
night of 19-20 May	Ashraf Kandil	preparing suicide bombings; possessing weapons without a permit	1 year	not known to AI
night of 19-20 May	Samir Asdoudi	preparing suicide bombings; possessing weapons	6 months	not known to AI

Reported date of trial and judgment	Name of defendant	Alleged offence (as reported)	Reported sentence	Reported date of arrest
		without a permit		
night of 20-21 May	Muhammad Zaynu	possessing weapons without a permit	6 months	not known to AI
night of 20-21 May	Salah al-Nirab	possessing weapons without a permit	6 months	not known to AI
night of 20-21 May	Salah Naqeh	"incitement"	6 months	not known to AI
night of 25-26 May	Mansur al-Bahabsa	selling arms to <i>Hamas</i>	8 months	not known to AI
night of 25-26 May	Muhammad al-Dirawi	selling arms to <i>Hamas</i>	8 months	not known to AI

11. Amnesty International's recommendations

To the Palestinian Authority:

! Amnesty International calls on the Palestinian Authority to halt immediately operation of the State Security Court in Gaza and to provide new trials in ordinary civilian courts for those already convicted. It is calling on the authorities to ensure that the new trials in civilian courts provide all internationally recognized guarantees of fairness.

To the Israeli Government and Palestinian Authority:

! Amnesty International reiterates its call on both the Israeli and Palestinian authorities to ensure that human rights become an integral part of every stage of the peace process. Security considerations and the peace process must never be used as excuses for violating fundamental human rights in Israel or the Occupied Territories, including the areas under the jurisdiction of the Palestinian Authority.

To the Israeli Government:

! The Israeli Government should refrain from endorsing or encouraging trials in Gaza's State Security Court, and should ensure that its calls for perpetrators of violent attacks to be brought to justice make clear that this should be done only in courts which meet international standards for fair trial. Amnesty International also reiterates to the Israeli Government its concerns and recommendations relating to trials in Israeli military courts in the Occupied Territories, set forth in Amnesty International, *Israel and the Occupied Territories: The Military justice system in the Occupied Territories: detention, interrogation and trial procedures* (July 1991, AI Index MDE 15/34/91).

To the United States and other governments which signed the May 1994 PLO-Israel accord as witnesses:

! In light of comments made by representatives of the US Government welcoming sentences imposed by Gaza's State Security Court, Amnesty International calls on the governments which signed the May 1994 PLO-Israel accord as witnesses (Egypt, Russia and the US) to ensure that in their efforts to support the peace process they abide by their duty under the UN Charter to promote respect for, and observance of, human rights. Specifically, these governments should encourage respect for Article XIV of the PLO-Israel accord: "Israel and the Palestinian Authority shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law." The US Government should refrain from endorsing sentences by, or encouraging trials in, Gaza's State Security Court. The US should ensure that its calls for the perpetrators of violent attacks to be brought to justice make clear that this should be done only in courts which meet international standards for fair trial.