

EXTERNAL (for general distribution)

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UA 49/95

Legal Concern

24 February 1995

ISRAEL AND THE OCCUPIED TERRITORIES - Palestinian Authority's Areas: Gaza

At least 51 people, including:

- Attiya Abu Mansur, journalist
- Hammad Fayyad, journalist
- Zakariya Madhhun, journalist
- Khaled Sadiq, journalist
- Nahid Kutkut, journalist

'Ala' Saftawi, general manager of office of *Istiqlal* newspaper

Since 6 February, at least 200 suspected members of the Democratic Front for the Liberation of Palestine (DFLP) and the Islamist groups *Hamas* and Islamic *Jihad*, which oppose the Oslo Agreement, have been arrested by members of the security forces of the Palestinian Authority (PA). They have been held in detention without access to lawyers or a judge, and in many cases access to their family has also been denied. Most of the arrests were carried out without a warrant. One man, released after a week, has said that he was interrogated solely about his political activities, not about any specific offence.

Many appear to have been released, but at least 51 people including alleged members of the DFLP and Islamic *Jihad* have been held in Gaza Central Prison since 6 and 7 February without access to a lawyer or judge. This number includes the six journalists named above who were arrested on 6 February.

Such denial of access contravenes Palestinian criminal procedures contained in the Criminal Procedure (Arrest and Searches) Ordinance of 1924 which states that: "A person arrested without a warrant and detained... shall be brought before a magistrate within forty-eight hours of his arrest" (Article 10(1)) and that: "If the person arrested has not been brought before a magistrate within the said period of forty-eight hours he shall be released" (Article 10(4)). The denial of access also contravenes international human rights standards.

Amnesty International is concerned that, in the absence of immediate remedial measures by the PA, the present pattern of detention, in violation of international standards, will become entrenched in the areas under its jurisdiction.

BACKGROUND INFORMATION

Since the establishment of the PA in May 1994, hundreds of alleged members of Islamist groups such as *Hamas* and Islamic *Jihad* have been arrested. Until January 1995 none had been charged with any offence or brought before any judicial authority. Although most were released after a few days, some were kept for weeks or months without access to lawyers. To date, Amnesty International knows of only two cases where charges have been brought against detainees. The organization has called on the PA to take action to ensure that international standards are upheld with regard to arrest and detention procedures.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in Arabic, English or your own language:

- calling for the immediate release of any detainee unless he is to be charged with a recognizably criminal offence and promptly brought to trial according to international standards for fair trial;
- calling on the PA to ensure that all families of detainees are immediately notified of the detention and that all detainees have prompt access to their families, lawyers and independent doctors and to judges, as required by international human rights standards.

APPEALS TO

1. Mr Yasser Arafat
 Palestinian Authority
 Abu Khadra Building
 Omar al-Mukhtar Street
 Gaza, via Israel

Faxes: +972 7 822365/6 (if voice, say "fax, please")

Telegrams: Chairman Arafat, Palestinian Authority, Gaza, via Israel

Salutation: Dear Mr Arafat

2. Mr Freih Abu Meddein
 Palestinian Authority
 Minister of Justice
 Abu Khadra Building
 Omar al-Mukhtar Street
 Gaza, via Israel

Faxes: +972 7 822236

Telegrams: Justice Minister, Palestinian Authority, Gaza, via Israel

Salutation: Dear Mr Meddein

3. Mr Khalid al-Qidrah
 Attorney General
 Palestinian Authority
 Attorney General Building
 Yarmouk, Gaza, via Israel

Faxes: +972 7 824503

Telegrams: Attorney General, Palestinian Authority, Gaza, via Israel

Salutation: Dear Mr al-Qidrah

4. Major-General Nasr Yussef
 Commander of Police Force
 Al-Sarrayeh Building
 Gaza, via Israel

Telegrams: Police Commander Yussef, Palestinian Authority, Gaza, via Israel

Faxes: +972 7 822803

Salutation: Dear Major-General

Please Note: It can sometimes be difficult to get through to the Gaza strip by phone/fax.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 April 1995.