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## **Palestinian Authority: denying justice to political detainees**

*“At 2 am on 24 April 1996, several men in plain clothes and military uniforms came to the Gaza home of Wa’el Ali Faraj, a 21-year old history student at the Islamic University in Gaza. They told his pregnant wife that he was only wanted for questioning and would return. Three years later, he remains in detention”*

Wa’el Ali Faraj is just one of the hundreds of political detainees held in Palestinian prisons without charge or trial, some for more than four years, according to a new report issued today by Amnesty International.

“These people are being held outside the framework of local Palestinian law and in violation of international human rights standards, despite President Arafat’s promise to Amnesty International delegates that the Palestine Liberation Organization would incorporate all internationally recognized human rights standards into Palestinian legislation,” Amnesty International says.

The Palestinian Authority has undermined the rule of the law by defying Palestinian High Court judgments requiring the release of individual prisoners and ignored calls by the Palestinian Legislative Council (PLC), local and international human rights organizations, as well as individual Palestinians for the release of prisoners held without due process.

“In the Palestinian Authority, the sidelining of the normal system of justice has dangerously injured individual freedoms”, the report states. “If those detained have committed recognizable crimes, they should be brought to fair trial. Otherwise they should be released.”

There are two categories of political detainees held by the Palestinian Authority: those whom it calls “security prisoners” and those whom it refers to as “political prisoners”. But both categories are recognized as political detainees by Amnesty International.

“Security prisoners” are believed to be detained on suspicion of collaborating with the Israeli authorities. Some are suspected of selling land to Jews. It is estimated that at least 250 prisoners have been held without charge or trial for more than a year.

The majority of them are held by the *istikhbarat* (Military Intelligence), headed by General Musa Arafat. Human rights organizations do not have access to the detention centres and the International Committee of the Red Cross was only given access in 1998.

Most “security prisoners” are subjected to torture or ill-treatment and they are held incommunicado, without access to families or lawyers, sometimes for weeks, months or even years after their interrogation has ended, according to Amnesty International.

‘Abd al-Rahman Raddad was arrested near Nablus on July 1997 by Palestinian police. He was interrogated about whether he had sold land to real estate dealers involved in selling land to Jews. The authorities have refused to grant him bail and he has remained in detention in Nablus Central Prison, without charge or trial, ever since.

The second category, “political prisoners”, are held for suspected membership of Islamist groups opposed to the peace process with Israel, such as *Hamas* and *Islamic Jihad*. There are about

120 of them, who have been held by the Palestinian Authority without charge or trial for more than one year, in addition to about 100 held for less than a year.

Most of them were detained during mass arrests by the Palestinian Authority following bomb attacks against Israelis. They appear to have been detained because of pressure from Israel and the United States of America.

“Israeli government statements do not ask for ‘terrorists’ to be detained without trial: they call for them to be prosecuted. But Israeli authorities themselves detain Palestinians under administrative detention orders without charge or trial. It is not surprising therefore that Israel fails to insist on due process”, Amnesty International argues.

However, the report stresses that the primary responsibility to maintain the rule of laws rests with the Palestinian Authority. “There has been no external pressure to hold so-called ‘security prisoners’ for years without charge or trial”, Amnesty International says, adding “as for the detention of ‘political prisoners’, the Palestinian Authority has an obligation to resist external pressure to violate human rights.”

Jamal Mansur, a journalist, was arrested in Nablus by the General Intelligence on 4 September 1997 after a suicide bomb attack, claimed by *Hamas*, which killed Israeli civilians in West Jerusalem. It has never been suggested that Jamal Mansur had any involvement in this attack. However, he remains in prison.

After two years during which High Court orders for the release of detainees held without charge have been ignored, there has recently been a hopeful sign. Two political detainees, held since 1996 without trial, were released in March, a few days after the Palestinian High Court of Justice ordered their release.

In its report, Amnesty International is making several recommendations to the Palestinian Authority, to Israel and to the international community, including:

To the Palestinian Authority: the immediate and unconditional release of all prisoners of conscience; the release of other political detainees unless they are tried promptly and fairly.

To Israel: any calls for the arrest and prosecution of those responsible for violent attacks should make it clear that prosecutions should only be carried out according to the law in courts which meet international standards for fair trial.

To other members of the international community: the condemnation of prolonged detention without charge or trial by the Palestinian Authority and call for the immediate and unconditional release of all prisoners of conscience and the release of other political prisoners unless they are promptly and fairly tried before a court.

***“No one is above the law”***

*(President Arafat to Amnesty International delegates, February 1996)*

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