

EXTERNAL

AI Index: MDE 21/09/97

22 September 1997

Further information on UA 205/97 (MDE 21/03/97, 10 July 1997) and follow-ups MDE 21/04/97, 25 July and MDE 21/05/97, 5 August, MDE 21/07/97, 28 August 1997 - Prisoner of Conscience / Legal concern / Incommunicado detention / Medical concern

PALESTINIAN AUTHORITY Fathi Subuh, 43, lecturer in education

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Fathi Subuh remains in detention in Gaza Central Prison. On 6 September 1997, the Palestinian High Court of Justice considered a *habeas corpus* petition, seeking his release. His lawyer, Raji Sourani, reported that Fathi Subuh had been subjected to severe torture and ill-treatment during his detention at Tel al-Hawa Prison, run by the Preventive Security Service (PSS), in Gaza. He was hung from behind by his hands with his feet off the ground, forced to balance for long periods on his toes, and subjected to beating, sleep deprivation and hooding.

In the hearing the Attorney-General, representing the Palestinian Authority, did not respond to Fathi Subuh's allegations that he had been subjected to torture and ill-treatment. He informed the court that the case was not under his jurisdiction, but under the jurisdiction of the State Security Court. The Attorney-General submitted a document to the court indicating that the State Security Court had extended Fathi Subuh's detention on 3 July. He told the court that Fathi Subuh was accused of having passed information to "the other side", and stated that the Palestinian Authority could not release him because of a fear that he would establish contact with "the other side". The Attorney-General also stated that Fathi Subuh was also suspected of having sexually harassed female students at al-Azhar University.

This was the first time that Fathi Subuh's lawyer had been informed that the case was not being handled by the Attorney-General or had seen an extension of detention order from the State Security Court.

In spite of the allegations of torture made by Fathi Subuh's lawyer, the court did not ask to see Fathi Subuh personally in order to verify these claims. The court deferred its decision until 6 October.

In a meeting this month, Colonel Muhammad Dahlan, the head of PSS in the Gaza Strip, informed an Amnesty International delegate that Fathi Subuh was being held on charges that included rape and spying. The delegate asked for details of the evidence against Fathi Subuh, but Colonel Muhammad Dahlan was unable to provide this. Fathi Subuh's lawyer has not been informed by the Palestinian Authority that any charges have been filed against him.

Fathi Subuh's wife has been allowed to visit him once every fortnight for about half an hour.

Recently an Amnesty International member received a letter in Arabic from the Legal Adviser to Preventive Security responding to his Urgent Action appeal. The Legal Adviser stated that Fathi Subuh had not been arrested on political grounds, but did not detail the precise grounds for his arrest. He also assured him that Fathi Subuh was being well treated and that all legal procedures were being followed in the case, which had been transferred to the Attorney-General. The Legal Adviser suggested that it would be better if the AI member expressed

his concern to the Israeli Government about the "illegal pressure" which it was placing on the Palestinian Authority to arrest Islamic militants.

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

- noting that Fathi Subuh has now been held for more than two months, without charge or trial;
- expressing deep concern at the allegations of torture and ill-treatment of Fathi Subuh during his detention in Tel al-Hawa Prison and calling for an investigation into these allegations;
- asking what the precise reasons are for Fathi Subuh's arrest;
- stating that you continue to consider Fathi Subuh to be a prisoner of conscience, detained solely for his alleged critical attitude towards the Palestinian Authority;
- calling for his immediate and unconditional release;
- stating that Amnesty International has consistently appealed to the international community, particularly Israel and the United States, to refrain from pressurizing the Palestinian Authority to arrest persons, unless they are to be charged with a recognizable criminal offence and given a fair and prompt trial.

**APPEALS TO:**

President Yasser Arafat  
Palestinian Authority  
Al-Muntada

Gaza, Palestinian Authority

**Faxes: +972-7-822365** (ask to send a fax)

**Telegrams: President Arafat, Palestinian Authority, Gaza**

**Salutation: Dear President Arafat**

Colonel Muhammad Dahlan  
Head of Preventive Security Service in the Gaza Strip  
Palestinian Authority  
Gaza

**Faxes: +972-7-825425**

**Salutation: Dear Colonel Dahlan**

**Telegrams: Head of Preventive Security, Palestinian Authority, Gaza**

Fayez Abu-Rahma  
Attorney General  
Palestinian Authority  
Yarmouk, Gaza, Palestinian Authority  
Attorney General Building

**Faxes: +972-7-824503**

**Salutation: Dear Mr. Abu-Rahma**

**Telegrams: Attorney-General, Palestinian Authority, Gaza**

**COPIES TO:**

Palestinian Independent Commission for Citizens' Rights  
Gaza Office  
Al-Wehda Street  
Dabiet Building - Second Floor  
Gaza

**Faxes: +972-7-824438**

Dr. Riyad Khudari  
The Rector  
Al-Azhar University  
Gaza  
**Faxes: +972-7-823180**

and to diplomatic representatives of Palestinian Authority accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 3 November 1997.