



October 8, 2012

Dear Mr. Maen Areikat, Chief Representative of the Palestine Liberation Organization to the United States, Mr. Ali Muhanna, Minister of Justice, Palestinian National Authority, and Mr. Riyad al-Maliki, Minister of Foreign Affairs, Palestinian National Authority;

We write to you today on behalf of the Free Palestine Subcommittee of the National Lawyers Guild (U.S.). The National Lawyers Guild is an organization of lawyers, law students and legal workers who seek to function as an effective force in the service of the people, to the end that human rights will be regarded as more sacred than property rights. The Free Palestine Subcommittee provides legal support to the Palestine solidarity movement in the U.S., including support and representation to Boycott, Divestment and Sanctions (BDS) campaigns and movements; organizes legal support and guidance for the student Palestine movement on university campuses facing repression and censorship; and advocates in solidarity with the full achievement of Palestinian national rights and social and civil freedoms, including the freedom of all Palestinian political prisoners in Israeli jails and Palestinian refugees' right to return.

We write today because we are deeply disturbed by recent reports of large-scale political arrests being carried out by the Palestinian Authority inside the occupied West Bank. These arrests have targeted critics of the Palestinian Authority, including youth activists, human rights defenders, prisoners' rights organizers and scholars, and journalists, including former political prisoners held by Israel and released in the October 2011 prisoner exchange agreement and subsequently.

We have also been disturbed by the lengthy detention without charge of Mr. Zakaria Zubeidi, co-founder of the Freedom Theatre in Jenin refugee camp. Mr. Zubeidi has on multiple occasions undertaken a hunger strike, including a debilitating fluids strike. He ceased this strike on September 19 upon the assurance that he would be released. However, on September 27, his arbitrary detention by the Palestinian Authority was continued once again. We note that Mr. Zubeidi was charged and released on bail on October 1, but remain deeply concerned about his case.

Mr. Zubeidi has been held in both military and civilian legal systems and has for long periods of time been held at facilities run by the Palestinian Preventative Security Forces, with his case handled by the Military Prosecutor's Office. Palestinian law states that detention by the Preventative Security forces must be limited to 24 hours. We also note with concern that Mr. Zubeidi's lawyer, Farid Hawwad, was also detained for six days in July and investigated for "'insulting' the Preventive Security Service and the prosecutor, after the lawyer said during a court hearing that the Preventive Security Service was operating outside the law and influencing the prosecution in Zubeidi's case,"<sup>1</sup> as reported by Human Rights Watch.

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<sup>1</sup> <http://www.hrw.org/news/2012/09/18/israelpalestinian-authority-charge-or-free-palestinian-detainees>

The most recent wave of reported political arrests began on September 18; since that time, over 130 have been arrested, including legal researcher Mr. Fuad Khaffash, director of the Ahrar Centre for Prisoners, Mr. Mohammad Mona, Quds Press reporter, Mr. Walid Khaled, office director of Felesteen newspaper, and Mr. Adel Shawawra, a former political prisoner recently released after 13 years in Israeli prisons.<sup>2</sup> Mr. As'ad Muhammad Abu Ghosh was arrested only six days after his release from Israeli prison on September 2, 2012; released on September 17, and re-arrested on September 18. He remains detained to the present day.<sup>3</sup>

The Palestinian Centre for Human Rights has noted that it "[s]tresses that 'personal liberty is a natural right that is guaranteed and must not be violated, according to the Palestinian Basic Law, which also prohibits 'arresting, checking, detaining or limiting the freedom of any person or preventing his/her movement without a judicial warrant' and guarantees that 'any persons who are arrested or detained must be informed of the reasons for his/her arrest or detention'" and "[r]eminds the Palestinian Supreme Court of Justice of the ruling on 20 February 1999, which considers political detention illegal, and demands all executive bodies to respect the Court's ruling and refrain from practicing political detention."<sup>4</sup>

Those arrested have not been provided with a reason for their arrest or detention; many remain imprisoned under 15-day investigation orders without charges or allegations of wrongdoing.

As Addameer, the Palestinian Prisoner Support and Human Rights Association has noted in *Stolen Hope: Political Detention in the West Bank*, a 2011 report, "Since the establishment of the PA in 1994, its security services have detained hundreds of citizens affiliated with Hamas and other factions opposed to the performance of the PA and the political compromises it has made. The PASF have also detained individuals with no affiliation to any particular faction..."<sup>5</sup>

The Universal Declaration of Human Rights (UDHR) Article 19 states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference..."<sup>6</sup> The International Covenant on Civil and Political Rights (ICCPR) states in article 19(1)(2) that "Everyone shall have the right to hold opinions and the right to freedom of expression without interference."

These international conventions are echoed in the Palestinian Basic Law, which holds in Article 9 that "all Palestinians are equal under the law and judiciary, without discrimination based on race, sex, color, religion, political views, or disability,"<sup>7</sup> and in Article 19 that "Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish his opinion orally, in

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<sup>2</sup> Linah Alsaafin, "Palestinian Authority: Running Israel's Guantanamo," Al-Akhbar English, September 27, 2012. <http://english.al-akhbar.com/node/12668>

<sup>3</sup> Al-Haq, <http://www.alhaq.org/documentation/weekly-focuses/628-pa-arrests-more-than-130-palestinians-in-denial-of-freedom-of-association>

<sup>4</sup> Palestinian Centre for Human Rights, [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=8809:palestinian-security-services-arrest-dozens-of-hamas-members-in-the-west-bank-&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=8809:palestinian-security-services-arrest-dozens-of-hamas-members-in-the-west-bank-&catid=36:pchrpressreleases&Itemid=194)

<sup>5</sup> Addameer, *Stolen Hope: Political Detention in the West Bank*, 2011. <http://addameer.org/userfiles/EN%20PA%20Violations%20Report%202009-2010.pdf>

<sup>6</sup> Universal Declaration of Human Rights Article 19, <http://www.un.org/en/documents/udhr/index.shtml#a19>

<sup>7</sup> Palestinian Basic Law Article 9, <http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

writing, or in any form of art, or through any other form of expression, provided that it does not contradict the provisions of law."<sup>8</sup>

We are particularly concerned that such arrests come as part of the "security coordination" regime governing Palestinian Authority-Israeli security relationships. This security coordination regime has been led and coordinated by the United States, including the provision of training and resources to PA security forces, with the goal of strengthening security coordination. This operation is currently under the command of Rear Admiral Paul Bushong.<sup>9</sup> We are deeply disturbed by the security coordination regime and the role of the United States, highly committed to supporting the Israeli military diplomatically, economically and militarily, in maintaining this regime to the detriment of Palestinians' freedom of association and expression.

As Addameer noted in 2011, "Hundreds of political detainees released from Israeli prisons are immediately detained by the PASF as a result of the increasing security coordination between the PA and the IOF over the past three years. The security services use this coordination to obtain information on the detainees' date and place of release, often arresting them directly from the Israeli checkpoints where they are dropped off by the Israeli Prison Service. Addameer is gravely concerned over the unprecedented use of this policy by the PA and stresses that such a policy is contradictory to its obligations toward the Palestinian detainees languishing in Israeli jails."<sup>10</sup> This caution remains highly relevant to the current series of arrests and detentions, particularly those of former and recently released political prisoners.

We call upon the Palestinian Authority to act according to its domestic and international commitments and:

- immediately release all detainees due to these arrests, which violate the letter and the spirit of the Palestinian Basic Law and the Code of Criminal Procedure, charters and human rights conventions;
- stop the practice of political arrests;
- permit full access for an independent Palestinian investigation into these political arrests and detentions;
- end the practice of political repression and suppression of speech that undermine Palestinian freedoms and hold accountable those responsible for political arrests and detentions. This is particularly urgent as the Palestinian people confront a highly-militarized Israeli occupation that violates fundamental Palestinian rights on a daily basis and has been doing so for decades.

Sincerely,

National Lawyers Guild  
Free Palestine Subcommittee

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<sup>8</sup> Ibid., Article 19

<sup>9</sup> <http://www.state.gov/s/ussc/index.htm>

<sup>10</sup> Addameer, *Stolen Hope: Political Detention in the West Bank*, 2011.  
<http://addameer.org/userfiles/EN%20PA%20Violations%20Report%202009-2010.pdf>