



Middle East Studies Association of North America, Inc.

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18 July 1996

His Excellency Yassir Arafat
President, The Palestinian Authority
Al-Muntada
Gaza, Palestinian Authority

FAX: 011/972-7-822 365

Your Excellency:

The Committee on Academic Freedom in the Middle East and North Africa of the Middle East Studies Association wishes to express its concern over the detention of the ten Birzeit university students who have been kept in prison since March 1996.

The Middle East Studies Association comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa. The Association publishes the respected *International Journal of Middle East Studies* and is committed to ensuring respect for the principles of academic freedom and human rights throughout the region.

As scholars and specialists of the region, we have followed the historic development of the Palestinian Authority with great interest and grave concern. It is with the same intense interest that we have followed the activities of the Palestinian High Court in Ramallah. Recently the Palestinian High Court in Ramallah has reviewed the case of the ten Birzeit University students. A petition has been presented to the High Court demanding compliance with due process of law and with Palestinian laws. That detaining persons without charges and without trial in violation of norms of due process of law could occur in the newly established Palestinian polity would be a very ominous portent for the future of criminal justice. Particularly at a time when the Israeli authorities are holding another Birzeit student, Ahmad Ibrahim Said, in administrative detention, such apparent disregard for due process is deeply troubling.

We urge you to ensure that these detentions are carefully investigated. Do these arrests take place outside the purview of the established law enforcement agencies and the legal system? Who bears the responsibility for these acts? How will such practices be curbed? These are questions that need to be addressed. The practice of detaining persons without trial bodes ill for the development of a sound system of criminal justice in the Palestinian Authority. What appears to be an expedient action for security purposes could in fact become a habit, as it has become in other countries of the Middle East, of circumventing the rule of law and ignoring due process of law.

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The detention of suspects in violation of standards established in international human rights law can have in the long term a corrosive effect on the moral fabric of a state. At this early stage you have a moral duty and an historic responsibility to avoid that distasteful prospect.

Our information indicates that the High Court has asked you and the Attorney General to provide a written explanation with regard to the continued detention of the ten students in violation of the Palestinian law and international norms of human rights. We respectfully request that the case of these students be immediately investigated and the students be either freed or be referred to an independent court. The emergence of an independent Palestinian judicial system can mean a welcome departure from what has prevailed in the Middle East and could set an example for other countries to follow. However, this will depend on the outcome of these early tests. We urge that all future arrests and detentions be conducted in strict compliance with due process of law and under the supervision of an independent judiciary.

Sincerely,



Anne H. Betteridge
Executive Director

cc: Sa'eb Erekat, Minister of Local Government Affairs
Khaled al-Qidrah, Attorney General
Tawfiq al-Tarawi, Head of Security (Mukhabarat)
Iyad Al-Sarraj, Palestinian Independent Commission for Citizen's Rights