

OPINION No. 31 /2001 (PALESTINIAN AUTHORITY)

Communication addressed to the Palestinian Authority on 28 August 2001

Concerning: Jaweed Al-Ghussein

The Palestinian Authority has not signed nor ratified the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by Commission resolution 1997/50, and reconfirmed by resolution 2000/36. Acting in accordance with its methods of work, the Working Group forwarded to the Palestinian Authority the above-mentioned communication.

2. The Working Group conveys its appreciation to the Palestinian Authority for having provided the requested information in good time.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

- (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (category I);
- (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
- (iii) When the complete or partial non-observance of the international standards relating to a fair trial set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Palestinian Authority. The Working Group transmitted the reply of the Palestinian Authority to the source. The latter has provided the Working Group with its comments. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Palestinian Authority.

5. According to the information submitted to the Group, Jaweed Al-Ghussein, a citizen of Jordan and a resident of the United Arab Emirates since 1966, with a Jordanian passport, was arrested on 20 April 2001 at the Inter-Continental Hotel in Al Khalidya, Abu Dhabi, by police

officers of the United Arab Emirates in plainclothes. No arrest warrant or other decision by a public authority was shown at the time of his arrest. Police officers refused to answer his repeated requests for an explanation for his arrest.

6. Mr. Al-Ghussein is the owner of the Cordoba Development Corporation, an engineering and construction company founded in 1950 that has its headquarters in Abu Dhabi. In 1984 he was elected as a member of the Executive Committee of the Palestine Liberation Organization (PLO) and as Chairman of the Palestinian National Fund. In 1990, he publicly condemned Iraq's invasion of Kuwait. In 1996, he resigned from his posts as Chairman of the Palestinian National Fund and from the PLO Executive Committee.

7. According to the source, individuals associated with PLO made allegations against Mr. Al-Ghussein regarding a business transaction executed while he was still Chairman of the Palestinian National Fund. They brought a civil suit against him, seeking recompense for monies allegedly lost in the transaction. A judgement was initially rendered in favour of the plaintiffs, but the Supreme Court of the United Arab Emirates subsequently reversed it.

8. Mr. Al-Ghussein was taken to a police station in Abu Dhabi where he was held for two days. On 22 April 2001, Mr. Al-Ghussein was put into a car with Mr. Tariq Al-Ghoul, an officer of the intelligence service (*Mukhabarat*) of the United Arab Emirates, taken to a private airport and flown in a private aircraft to Egypt. In the aircraft was Saaed Allam, known as Abu Saud, a chief security officer of the Palestinian Authority. From Egypt, Mr. Al-Ghussein was driven to Gaza by representatives of the Palestinian Authority where he has been detained ever since.

9. According to the source, Mr. Al-Ghussein was first brought to the presidential offices of the Palestinian Authority. He has since been held in isolation in various apartments under the control of the Palestinian Authority, but not in official places of detention. Relatives and attorneys who have sought permission to visit him have been ignored or turned away. Neither the United Arab Emirates nor the Palestinian Authority has provided justification for his arrest and detention. No legal procedures have been followed. He has been held for more than four months without being charged. No legal process has been available to him or his family to obtain judicial review of his arrest and detention.

10. Mr. Al-Ghussein is an insulin-dependent diabetic and has a heart condition that causes palpitations. These health problems require him to take medication and to receive regular medical care. He was hospitalized twice in the five months prior to his arrest. His family has not received a substantive reply from any official of the Palestinian Authority, the United Arab Emirates or Egypt. The Palestinian General Delegation to the United Kingdom, which the family also contacted, confirmed that Mr. Al-Ghussein was arrested in the United Arab Emirates and asserted that he was extradited to Palestine, but did not offer any explanation for his arrest or detention. The United Arab Emirates Embassy in the United Kingdom refused to provide the family with any information. No information has been obtained from the Government of Egypt.

11. In its reply, the Palestinian Authority explained that Mr. Al-Ghussein is a Palestinian national holding a Palestinian passport. Without contesting the allegations of the source concerning the arrest and detention of Mr. Al-Ghussein before he was brought to Gaza, on a date

which was not specified either by the source or the Palestinian Authority, it did not deny that he has been held in detention for a considerable time. According to the information provided by the Palestinian Authority, Mr. Al-Ghussein was released on 13 October 2001 and is living with his family, awaiting the amicable settlement of the issue between him and the Palestinian Authority, concerning the payment of a debt he has to pay to the Palestinian Authority. Moreover, the Palestinian Authority did not contest the allegations of the source that Mr. Al-Ghussein is being detained without any criminal charge against him.

12. In its comments on the Palestinian Authority's reply, the source maintains that Mr. Al-Ghussein is still deprived of his liberty, irrespective of the fact that the premises where he is being held are not prisons in the literal meaning of the term. Because he suffers from cancer and needs medical care he has been driven to Cairo and apparently to a hospital on Palestine territory to see doctors, but he has always been escorted by security personnel and has never been allowed to leave the place of detention where he is being held, which is permanently guarded by agents of the Palestinian Authority.

13. On the basis of the coinciding information provided by both the source and the Palestinian Authority, the Working Group concludes that Mr. Al-Ghussein is deprived of his liberty solely because of a debt he allegedly owes to the Authority, which has no intention of releasing him till he pays it back.

14. On the basis of the foregoing, the Working Group renders the following opinion: the deprivation of liberty of Jaweed Al-Ghussein is arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights, and falls within category I of the categories applicable to the consideration of cases submitted to the Working Group.

15. Consequent upon the opinion rendered, the Working Group requests the Palestinian Authority to take the necessary steps to remedy the situation and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

Adopted on 4 December 2001