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Israel: Draft law before the Knesset today will undermine humanitarian law

A bill being considered today by the Knesset (Israel's parliament) will undermine the Geneva Conventions, to which Israel is a party, Amnesty International said today.

The draft law would allow the Chief of General Staff of Israel's armed forces to imprison indefinitely without charge or trial any person who is a member of a force fighting against Israel or who participates in hostile activities of such a force, if they are not entitled to prisoner of war status.

"The Israeli government has made it clear that this law is designed to keep in prison two Lebanese nationals Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani, who have been held for years as hostages for information about Ron Arad and other Israeli servicemen who went missing in action in Lebanon in the 1980s. No matter what the circumstances, hostage-taking is unacceptable. In this case it is also a war crime," Amnesty International commented.

Thirteen Lebanese nationals who had been held as "bargaining chips" for years in Israel were released in April 2000, following an Israeli Supreme Court ruling that it was illegal to hold people in administrative detention where they did not personally pose a threat to Israel's security. Before the ink was dry, government officials made it clear that they had no intention of releasing the two other Lebanese hostages, Shaykh 'Ubayd and Mustafa al-Dirani.

Israel would be in violation of its obligations under the four Geneva Conventions if this law were to be passed. These conventions provide comprehensive protection for victims of armed conflict. The draft law would dilute the protection given to civilians under the Fourth Geneva Convention by seeking to create a new status, unknown to international humanitarian law, described in the law as "combatants who are not entitled to prisoner of war status."

"All over the world countries are showing disrespect for the Geneva Conventions and seeking to undermine the vital protections they provide for war victims. The adoption of this law would be another blow and would set a dangerous precedent for other states to follow," Amnesty International stated.

"States which are party to the Geneva Conventions are under a duty to ensure that other states parties respect them. We call on the international community to take this responsibility seriously and to ensure that this bill, which undermines these Conventions, does not become law," the organization said.

Background

Mustafa al-Dirani, leader of the Faithful Resistance (al-muqawameh al'mu'mineh) group, was taken prisoner by the Israeli army during a raid on his home in Qasarnaba in Lebanon in May 1994. Mustafa al-Dirani stated in a recent newspaper interview that Israeli serviceman, Ron Arad, was in his custody for a short period. Since his arrest he has been held incommunicado without access to the International Committee of the Red Cross (ICRC) in a secret location. He is suing the Israeli government for damages, claiming that he was subjected to torture, including rape, after his arrest.

Shaykh 'Abd al-Karim 'Ubayd, a Shi'a Muslim leader, was abducted with two of his guards from Jibshit village in Lebanon in July 1989. The Israeli government claimed that he had organized guerrilla attacks against Israeli soldiers and was involved in the abduction in Lebanon of a US Marine, Lieutenant Colonel William Higgins. Shaykh 'Abd al-Karim 'Ubayd is also held incommunicado. According to his family, he was first granted access to the ICRC earlier this year.

Amnesty International has campaigned on behalf of Ron Arad and other Israeli nationals who went missing in Lebanon during the 1980s and has called on governments involved in the conflict in Lebanon to investigate the fate of all those who "disappeared" or went missing.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org#>