

# URGENT ACTION

## PALESTINIAN LEGISLATOR HELD WITHOUT CHARGE

**The Speaker of the Palestinian parliament, Aziz Dweik, has been placed under administrative detention following his arrest on 19 January. This allows the Israeli authorities to detain him indefinitely without charge or trial.**

Israeli military officials arrested **Aziz Dweik**, the Speaker of the Palestinian Legislative Council (PLC), while he was crossing a military checkpoint near Ramallah in the occupied West Bank on 19 January 2012. He was taken to Ofer detention centre and held there for five days without charge. On 24 January 2012, Aziz Dweik appeared in court where a judge handed him a six-month administrative detention order signed by a military commander, which can be renewed indefinitely.

Aziz Dweik now joins 20 other PLC members currently held by the Israeli authorities in administrative detention.

Aziz Dweik was previously arrested in June 2006 shortly after he was elected into the PLC as a representative from the Hamas-affiliated Change and Reform bloc. Aziz Dweik was convicted of "belonging to an illegal organization" and sentenced to three years in prison. He was released in 2009.

Administrative detention is a procedure under which detainees are held without charge or trial for periods of up to six months, which can be renewed indefinitely. No criminal charges are filed against administrative detainees and there is no intention of bringing them to trial. Detainees are held on the basis of "secret evidence" which the Israeli military authorities claim cannot be revealed for security reasons. Hence the "secret evidence" on which the military authorities base their decision to issue an administrative detention order is not made available to detainees or their lawyers, and detainees cannot challenge the reasons for their detention.

### **Please write immediately in Hebrew or your own language:**

- Calling on the Israeli authorities to release Aziz Dweik, and the other Palestinian parliamentarians held in administrative detention, unless they are promptly charged with internationally recognizable criminal offences and brought to trial in full conformity with international fair trial standards;
- Calling on the Israeli authorities to end the use of administrative detention, which violates the right to a fair trial as guaranteed by Article 14 of the International Covenant on Civil and Political Rights.

### **PLEASE SEND APPEALS BEFORE 7 MARCH 2012 TO:**

#### Military Judge Advocate General

Brigadier General Danny Efroni

6 David Elazar Street

Hakiryia, Tel Aviv, Israel

Fax: +972 3 569 4526

Email: avimn@idf.gov.il

**Salutation: Dear Judge Advocate General**

#### Commander of the IDF – West Bank

Major-General Avi Mizrahi

GOC Central Command

Military Post 01149

Battalion 877

Israel Defense Forces, Israel

Fax: +972 2 530 5741 / +972 2 530 5724

**Salutation: Dear Major-General Avi Mizrahi**

#### **And copies to:**

Deputy Prime Minister and Minister of Defence

Ehud Barak

Ministry of Defence

37 Kaplan Street, Hakiryia

Tel Aviv 61909, Israel

Fax: +972 3 691 6940 / 696 2757

**Salutation: Dear Minister**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Aziz Dweik is a member of Hamas, a Palestinian Islamist party whose charter does not recognize Israel. In the PLC he represents the Hamas-affiliated Change and Reform bloc that won the majority of seats in the 2006 parliamentary elections. Aziz Dweik is one of five Palestinian Legislative Council (PLC) members who were detained by Israeli forces over the past week in a wave of arrests that mainly targeted Hamas PLC members. The arrests followed reconciliation talks between Hamas and Fatah parties which could lead to Hamas being admitted into the Palestine Liberation Organization (PLO). The PLO is the body which represents Palestinians internationally.

Israel currently holds 27 PLC members, 21 of whom are under administrative detention, including Aziz Dweik. In December 2011, according to Israeli Prison Services there were 283 Palestinians held in administrative detention, but this number may have since increased.

Amnesty International believes that the practice of administrative detention in Israel and the Occupied Territories violates the internationally recognized right to a fair trial. International standards for fair trial must be upheld for all political detainees, including those accused of violence, even under states of emergency.

Under administrative detention, detainees' rights to a fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a state party, including their right to be informed promptly and fully of the reasons for their detention, to be presumed innocent, to examine and have examined the witnesses against them, and to be tried in public, are consistently abused. In many cases, the first, if not the only, opportunity detainees have to find out why they are detained is at an appeal hearing which they have to initiate themselves. It takes place several weeks, sometimes months, after arrest. The evidence against the detainee is heard in secret, without either the defendant or his or her lawyer being allowed to know what that evidence is and to challenge it.

The UN Human Rights Committee, which oversees implementation of the ICCPR, expressed concern in 2010 about the "frequent and extensive use of administrative detention, including for children" and recommended that Israel refrain from using it. Amnesty International believes that administrative detention should not be used as a means of circumventing the criminal justice system and avoiding the due process safeguards it provides.

In addition, on the basis of all available evidence, Amnesty International believes that some of those held in administrative detention in Israel and the Occupied Territories are prisoners of conscience, held solely for the non-violent exercise of their right to freedom of expression and association. This has been facilitated by the fact that the grounds for administrative detention, as laid down in Israeli law, are broadly worded and liable to wide interpretation. Administrative detention law - ostensibly introduced as an exceptional measure to detain people who pose an extreme and imminent danger to security - has for years been used to detain a much wider range of people who should have been arrested, charged and tried in accordance with the normal laws of penal procedure, or against individuals who should not have been arrested at all.

Amnesty International is reiterating its long-standing call for an end to the practice of administrative detention. All administrative detainees held on account of their non-violent political opinions or activities should be released immediately and unconditionally, and others should be released unless they are to be charged with an internationally recognizable criminal offence and promptly tried in accordance with internationally accepted standards for fair trial.

Name: Aziz Dweik

Gender: male

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