

PUBLIC

AI Index: MDE 15/067/2003
Distr: PG/SC

To: Health professionals
From: Medical Office / East Mediterranean sub-regional team
Date: 30 July 2003

Further information on
MEDICAL LETTER WRITING ACTION

Asma Muhammad Suleiman Saba'neh

ISRAEL and the OCCUPIED TERRITORIES

(See AI Index: MDE 15/025/2003, 26 February 2003 and
AI Index: MDE 15/044/2003, 16 May 2003)

Keywords: administrative detainee / disruption of health care

On 26 February 2003, Amnesty International appealed for the release of Asma Muhammad Suleiman Saba'neh, aged 40, who had been arrested without charge on 11 February 2003. Since then she has been held under administrative detention. She continues to suffer from headaches and other health problems such as dizziness and loss of weight. She has a history of tumours of the brain and was advised to seek further medical investigation of her condition. These investigations were made impossible by her arrest. She has still not had the CT scan which had been recommended to her just prior to her arrest

From the medical action issued on 16 May 2003.

A number of letter-writers have received a response from the Israeli authorities regarding Asma Muhammad Suleiman Saba'neh, both in response to the above medical actions and also in response to other appeals. Those who wish to follow up their earlier letters could draw on the information below, as it is relevant to the letter you received. (Those who might want to write for the first time could see the advice on the following page.)

1. *The prisoner's name.*

Some letters from the Israeli authorities referred to Osama Muhammad Suleiman Saba'neh.

If you received such a letter you could make the point that the name of the person you are writing about is *Asma* Muhammad Suleiman Saba'neh, and NOT Osama.

2. *The sentence.*

Asma Saba'neh received a 6-month administrative detention order (AI initially was told that she had received a 3-month one); this is due to end in August 2003 but the authorities can seek to renew it.

She received a CT-scan on 27 May 2003 – one of the concerns raised in the medical actions – but at the time of writing, she had not seen a specialist doctor.

3. *The prisoner's alleged involvement in Hamas:*

Israel has often used 'security' as a justification to compromise the rights of the people under its jurisdiction. Although Amnesty International does not dispute the duty of a government to safeguard the security of those under its jurisdiction, this must be done in a way that does not violate the fundamental rights of individuals. If Asma Saba'neh was indeed actively involved in

violent activities, as they claim, the Israeli authorities have a duty to bring charges against her and to give her a fair trial.

4. The government claim that the use of administrative detention is in full conformity with the Fourth Geneva Convention:

The Israeli authorities have consistently rejected the applicability of the Geneva Conventions to the Occupied Territories, notably the Fourth Geneva Convention, to which Israel is party. However, at the same time Israel maintains that its use of administrative detention in the Occupied Territories is consistent with article 78 of the Fourth Geneva Convention, which states that, "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment."¹ According to the commentary of Dr. Jean Pictet, a leading authority on the Geneva Conventions, "such measures can only be ordered for real and imperative reasons of security."²

Over the years the Israeli authorities have placed thousands of Palestinians from the Occupied Territories in administrative detention for periods varying from few months to several years. Often Palestinians are interrogated, in some cases for prolonged periods of time, and ill-treated or threatened before being placed under administrative detention. Administrative detention has been used by the authorities to detain people against who there is no evidence as a measure of collective punishment, intimidation and in order to put pressure on relatives of the detainees who are wanted by the Israeli army to give themselves up.

5. The government claim that administrative detention is "only used in circumstances where the usual procedures are inadequate because of a danger to sources of information or a need to safeguard classified information that cannot be revealed in open court":

The Israeli authorities have often used this argument in relation to administrative detention. However, Amnesty International believes it is the duty of a government to find ways to deal with confidential or sensitive information in a way which does not compromise an individual's right to a fair trial. No individual should have to pay with his/her liberty for a government's inability to deal appropriately with evidence.

6. Finally, you may want to refer to the specific situation of this case:

- the medical history of Asma Saba'neh: even if she is receiving some medical attention, her condition remains worrying,
- the specific hardship inflicted on four of her children who have been in the care of relatives ever since her arrest. The children are aged seven, eleven, fifteen and sixteen - she also has an 18 year old son who is in prison having been sentenced to 87 months' custody.
- Asma Saba'neh's husband is in administrative detention – he was arrested in August 2002. Palestinians from the West Bank are not permitted to go to Israel, so the family has not been able to visit either Asma or her husband.
- Communication: Asma Saba'neh's children have not been allowed to speak to her on the phone.

If you have not written on this case before and wish to, please write to the addresses below; you could identify yourself as a health professional concerned with human rights; express your concern that Asam Muhammad Suleiman Saba'neh is being held without charge or trial under administrative detention; welcome the fact that she has had some medical investigation of her health problems but urge that she receive full medical diagnosis and treatment; urge that she be released unless she is to be charged and tried with a recognisable criminal offence; and urge that she be allowed to see and speak with her children.

¹ For the text of the Fourth Geneva Convention, see:

<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5>

² For the commentary on article 78 of the Fourth Geneva Convention see:

<http://www.icrc.org/ihl.nsf/b466ed681ddfcfd241256739003e6368/d794403e436f0823c12563cd0042cf9a>

Addresses

Meir Sheerit
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel
Fax: +972 2 6285438, E-mail: sar@justice.gov.il
Salutation: Dear Minister
Elyakim Rubinstein
Attorney-General and Legal Advisor to the Government
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel
Fax: +972 2 6285438
Salutation: Dear Attorney-General

Mrs Orit Adato
Commissioner
Israel Prison Service
Fax: 972 8 921 0649

Please also send copies of your appeals to diplomatic representatives of Israel accredited to your country.

If you receive no reply from the government within four weeks of dispatch of your letter, please send a follow-up letter seeking a response, referring to your previous correspondence. Please check with the medical team if you are sending appeals after 1 September 2003, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Monitoring of actions

If you have access to e-mail you can help our attempt to monitor letter writing actions. If you write one, two or more letters please send us an e-mail and let us know. Please write in the subject line of your e-mail the index number of the action and the number of letters you write e.g. MDE 15/067/2003 – 2 (if you send two letters)

Please send your message to medical@amnesty.org --Thank you