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£ISRAEL AND THE OCCUPIED TERRITORIES

@'ADNAN MUHAMMAD ABU SHAMMA - ADMINISTRATIVE DETENTION

'Adnan Muhammad Abu Shamma (ID number 96721028) was arrested on 23 September 1990 and later issued with a six-month administrative detention order. He is currently held in the Ketziot detention centre in southern Israel. He is believed to have appealed against his order on 14 January 1991. The result of the appeal is unknown.

'Adnan Abu Shamma is a fourth-year commerce student from Salfit near Tulkarem on the West Bank. He is also active in Birzeit's Community Work Program.

'Adnan Abu Shamma was previously administratively detained for a four-month period from December 1988 to March 1989. He also spent another five-and-a-half months in detention after he was arrested again at 2:30 am on 10 September 1989 in Ramallah. He was apparently blindfolded and his hands were bound behind his back with plastic handcuffs. He alleges he was beaten with rifle butts during transportation to the Ramallah Military Headquarters.

'Adnan Abu Shamma was not issued with an administrative detention order until five months after his arrest, after repeated requests by his lawyer for clarification of his situation. He was then issued with a six-month order two weeks before the order was due to expire, 'Adnan Abu Shamma came to an agreement with the General Security Service representative that he would be released that day if he did not proceed with his appeal as scheduled.

Amnesty International does not have enough information to determine whether 'Adnan Abu Shamma is a prisoner of conscience, detained solely on account of his non-violent exercise of the right to freedom of expression and association. If this is the case, it calls for his immediate and unconditional release.

Amnesty International is also concerned that 'Adnan Abu Shamma, may not have been given an adequate opportunity to exercise effectively his right to challenge his detention order. It

believes that unless he is given that opportunity he should be released without delay.

ADMINISTRATIVE DETENTION IN ISRAEL AND THE OCCUPIED TERRITORIES

In Israel and the Occupied Territories, administrative detention orders can be issued by the Minister of Defence or a military commander if they believe that security reasons so require.

In Israel itself (ie excluding the Occupied Territories), administrative detention orders are issued by the Minister of Defence for periods of up to six months, renewable. The orders must be reviewed within 48 hours by a District Court, which has the power to uphold, shorten or cancel the order. The detainee can petition the High Court against the decision of the District Court. The District Court is also required to automatically review the order no later than three months after the first judicial review.

In the Occupied Territories, administrative detention orders are issued by military commanders. Since March 1988 administrative detainees only appear before a military court judge if they decide to appeal against their detention order. The military court judge has the same powers regarding administrative detention as the District Court judge in Israel. Detainees can go on to petition the High Court against the decision of the military court judge. Since August 1989 each order can be issued for a maximum period of 12 months, but can be renewed indefinitely thereafter for further periods of up to 12 months. In August 1989 an automatic judicial review was introduced if the detainee did not appear before a military court judge for a period of six months.

Since the outbreak of the Palestinian uprising in December 1987, more than 14,000 Palestinians have spent some time in administrative detention. These included students, labourers, human rights workers, journalists, trade unionists and teachers. The vast majority have been held in a military detention centre at Ketziot, in the desert of southern Israel, where family visits do not take place and conditions are harsh.

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International believes that the practice of administrative detention in Israel and the Occupied Territories violates fundamental human rights.

Administrative detention can and has been used by the Israeli authorities to detain prisoners of conscience, held for their non-violent exercise of the right to freedom of expression and association. This is facilitated by the broad formulation of the grounds for detention.

Existing procedural safeguards are insufficient to prevent abuse of the detainees' right to challenge their detention, particularly their right to be informed promptly and fully of the reasons for their detention. 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.

Even then in almost every case detainees and their lawyers are not given sufficient information to enable them to exercise effectively the right to challenge the detention order.

Amnesty International is urging that all administrative detainees held on account of their non-violent political opinions or activities be released immediately and unconditionally, and that the others be given an adequate opportunity to exercise effectively their right to challenge their detention -- taking into account strict safeguards aimed at protecting detainees' internationally recognized rights -- or be released.

Amnesty International is also urging the Israeli authorities to review the appropriateness and necessity of maintaining the practice of administrative detention without charge or trial. It believes that administrative detention should not be used as a substitute for, and a means of avoiding the safeguards of, a criminal justice system.