

AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 15/045/2005 (Public)
News Service No: 219
11 August 2005

Israel/Occupied Territories: Administrative detention cannot replace proper administration of justice

Three Israelis who are suspected of involvement in attacks against Israeli Arabs and Palestinians, or in other activities aimed at disrupting the evacuation of Israeli settlements in the Occupied Territories have been placed under administrative detention without charge or trial.

Amnesty International has written to the Israeli government reiterating its opposition to the use of administrative detention, a practice which violates fundamental human rights, and calling for those detained administratively to be either charged and brought to trial or released.

Ephraim Hershkowitz and Gilad Shochat, alleged activists of the outlawed *Kach* movement, have been placed in administrative detention for a two-month period. A third activist who has dual Israeli-US citizenship agreed to leave Israel for some 40 days to avoid administrative detention. The three were arrested in the wake of the killing of four Arab Israeli citizens in a shooting attack carried out by another *Kach* activist, Eden Natan-Zada, on a bus in Shfaram on 4 August.

Eden Natan-Zada had recently deserted the army but had kept his weapon and uniform. After he shot dead four passengers he was overpowered by other passengers as he attempted to recharge his weapon and was then beaten to death by the crowd. The Israeli authorities are investigating the incident.

Amnesty International opposes the practice of administrative detention and calls for an end to it. Those detained administratively must either be charged with a recognizable criminal offence and given a fair trial within a reasonable time, or else be released. The organization believes that the practice of administrative detention in Israel and the Occupied Territories violates fundamental human rights, notably the right to a fair trial, which should be guaranteed at all times, even in an emergency.

Ephraim Hershkowitz, Gilad Shochat and Saadia Hershk are allegedly suspected to be involved or planning attacks against Arab Israeli citizens and Palestinians in order to thwart Israel's withdrawal from the Gaza Strip later this month. Another Israeli, Neria Ofen, was previously placed in administrative detention on similar grounds in May 2005 for four months. However, since those held in administrative detention are not charged with any offence it is not possible to know the exact reasons for their detention. That also prevents them from the possibility of mounting an effective legal challenge against their detention.

In recent months Israeli defence and security officials have been expressing concerns about the increasing risk of attacks by Israeli *Kach* activists and other groups which advocate violence, hatred and racism against Israeli Arabs and against Palestinians. Many of the supporters of such groups live in Israeli settlements in the Occupied Territories, in violation of international law. Recently they have stepped up attacks and activities aimed at disrupting Israel's so-called "disengagement plan", that is the removal of

Israeli settlements from the Gaza Strip.

There has been an increase in Israeli settlers' attacks against Palestinians and their property in the Occupied Territories in the past year and a half, though these attacks had been frequent for years. The main target of such attacks continue to be Palestinians, but Israeli settlers have also stepped up their campaign of attacks, threats and intimidation against international and Israeli human rights defenders and peace activists.

Over the years the Israeli authorities and security forces have consistently failed to take the necessary measures to hold Israeli settlers accountable for their abuses. In recent months, the Israeli authorities appeared to be mainly concerned with preventing settlers' actions liable to disrupt the "disengagement plan", rather than with investigating settlers' attacks bringing to justice those responsible. In virtually all the cases known to Amnesty International involving attacks by Israeli settlers, whether against Palestinians and their property or against Israeli and international human rights and peace activists, the thorough investigations have not been carried out and the perpetrators have not been prosecuted. Such widespread impunity has undoubtedly encouraged further attacks by Israeli settlers.

The Israeli authorities must take concrete and effective measures to prevent attacks by Israeli settlers against Palestinians and their property, as well as against Israeli and international human rights and peace activists. All such attacks must be investigated following due process and all those responsible must be brought to justice in fair trials. However, administrative detention should not be used as a short-term substitute to proper administration of justice. All those currently detained administratively should be released unless they are promptly brought to justice on recognizably criminal charges.

Background:

In the overwhelming majority of cases, administrative detention has been used by the Israeli authorities against Palestinians in the Occupied Territories. This procedure has also been used against Israelis in rare cases. Since 2000, thousands of Palestinians have been held in administrative detention in recent years, some of them for more than three years. In the same period, four Israelis have been placed in administrative detention for periods ranging from six weeks to six months.

Under its "disengagement plan", Israel will remove some 8,000 Israeli settlers from the Gaza Strip and four small settlements in the north of the West Bank later this month. However, some 400,000 Israeli settlers continue to live in Israeli settlements all over the West Bank, in violation of international law. While the attention of the international community and media has been focussed on the Gaza "disengagement plan", the Israeli authorities have continued to build and expand Israeli settlements in the West Bank.