

The right to a fair trial is a basic human right. The international community has developed a wide range of standards to ensure fair trials — to protect people's rights from the moment they are arrested, while they are in pre-trial detention, when they are being tried, and right through to their final appeal. Breaches of these standards are a major concern for Amnesty International around the world because they represent serious violations of human rights in and of themselves, and because they contribute to a wide range of other human rights violations, including the imprisonment of prisoners of conscience, torture and the use of judicial punishments that amount to torture or to cruel, inhuman or degrading punishment.

As part of the Middle East and North Africa regional campaign for fair trials, Amnesty International has produced a report, *State Injustice: Unfair trials in the Middle East and North Africa* (AI Index: MDE 01/02/98). This gives details of international standards that safeguard and protect human rights. It also documents examples of the violations of these standards which occur in the Middle East and North Africa.

Amnesty International is campaigning on behalf of those who have been tried unfairly in the Middle East and North Africa. JOIN OUR CAMPAIGN.

These appeal cases present the human face and suffering behind unfair trials.

YOU CAN MAKE A DIFFERENCE : WRITE TO THE AUTHORITIES NOW AND SHOW THAT YOU CARE.

Please take the opportunity presented by the 50th anniversary of the Universal Declaration of Human Rights in 1998 to urge the governments of the region to ratify and implement all relevant international treaties which guarantee clear safeguards for fair trial.

HEADLINE: HELD AS A HOSTAGE UNDER ADMINISTRATIVE DETENTION

‘Ali Ammar

On 1 September 1986 the South Lebanon Army (SLA), Israel's client militia in Lebanon, arrested ‘Ali Husayn ‘Ali Ammar, then aged 19, in a raid on his village, Mays al-Jabal, in Lebanon. He was held in Khiam Detention Centre, run by the SLA and Israel, in South Lebanon for about five months. ‘Ali Ammar was then handed over to the Israel Defence Forces and transferred secretly and illegally to Israel. ‘Ali Ammar says that he was tortured in both South Lebanon and Israel.

‘Ali Ammar recently described his arrest in these words in a letter to an Amnesty International group: "*They kidnapped us from our villages, from our homes, with bread in our hands, not from battle with guns in our hands.*"

An Israeli military court sentenced ‘Ali Ammar to four and a half years' imprisonment for membership of an illegal organization, military training with an illegal organization and possession of weapons. When he was due for release in 1991, he was put under administrative detention. Since then ‘Ali Ammar's administrative detention has been continually renewed.

Israel has acknowledged that ‘Ali Ammar himself poses no threat to state security and is not now being held for his own actions. Israel admits that it is holding him and 21 other Lebanese detainees as hostages solely in order to obtain information about the fate of Israeli servicemen who have gone missing in action in Lebanon and to secure their release. Hostage-taking is absolutely prohibited under international law.

‘Ali Ammar is denied visits from his family in Lebanon. In April 1998 Azmi Bishara, a member of the Israeli parliament, was given permission to visit ‘Ali Ammar and the 18 other Lebanese hostages held in Ayalon Prison, after a challenge in the Israeli Supreme Court. He described how the detainees live in a sealed wing with iron bars on the roof. They are almost completely cut off from the outside world, apart from the presence of a prison officer and occasional visits by their lawyer and delegates of the International Committee of the Red Cross.

‘Ali Ammar’s appeals against administrative detention orders have been consistently unsuccessful. In November 1997 the Israeli Supreme Court finally heard his appeal against his continued detention. The court ruled that the Israeli Government was entitled to hold ‘Ali Ammar and other Lebanese detainees as "bargaining chips" who could be exchanged in pursuit of "a vital state interest." No other court in the world is thought to have endorsed hostage-taking.

No one should be held as a hostage. ‘Ali Ammar should be released immediately as he is being held solely in order to compel others to provide information. The case of ‘Ali Ammar graphically illustrates how the Israeli authorities have used administrative detention to imprison people, including hostages and prisoners of conscience, whilst circumventing the ordinary safeguards of criminal justice.

BACKGROUND

Amnesty International knows of 22 Lebanese detainees who are held under administrative detention in Israeli prisons. 21 were arrested, captured or abducted from Lebanon between 1986 and 1994 and taken secretly to Israel. One detainee was arrested in 1996 in East Jerusalem.

Some detainees have been held without charge or trial for over 10 years. Others have been detained for nearly 10 years after the expiry of sentences imposed by military courts. All are held as hostages. Many have not seen their families since their arrest. Two are held in an unknown place of detention. Three detainees do not have access to the International Committee of the Red Cross.

Since 1991 the Emergency Powers (Detention) Law of 1979 has been used as an all-purpose law to continue the detention of Lebanese nationals as hostages. Under this law, the Minister of Defence can order anyone to be placed in administrative detention for up to six months. These orders can be renewed indefinitely. The law gives the Lebanese hostages the right to have the detention orders reviewed every three months by the district court. If this is unsuccessful, they can appeal to the Israeli High Court. They are entitled to be represented by a lawyer at the appeal. The Israeli High Court accepted in 1997 that it is legal to hold the Lebanese detainees as hostages in administrative detention.

Israel has also used administrative detention extensively against Palestinians from the West Bank and Gaza Strip. Thousands of Palestinians have been held without charge or trial, normally under military orders, since Israel occupied the West Bank and the Gaza Strip in 1967. Additionally, administrative detention has been used in recent years against a small number of Israeli citizens.

The holding of hostages by Israel and its use of administrative detention have attracted widespread condemnation from local and international organizations, including Amnesty International, as a violation of fundamental human rights.

Act Now!

Please send polite letters in Hebrew, English or your own language:

Call for the immediate and unconditional release of ‘Ali Husayn ‘Ali Ammar as he is being held as a hostage.

Call for the end of the use of administrative detention in view of the pattern of its misuse in Israel and the Occupied Territories.

Send your communications to:

Binyamin Netanyahu, Prime Minister, Office of the Prime Minister,
3 Kaplan Street, Hakiryia, Jerusalem 91007, Israel

Fax: +972 2 566 4838

Salutation: Dear Prime Minister

Yitzhak Mordechai,

Minister of Defence,

Ministry of Defence,

7 “A” Street, Hakiryia, Tel Aviv, Israel

Fax: +972 3 697 6218

Salutation: Dear Minister

Please send a copy of your letters to the diplomatic representative of Israel in your country.