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£ISRAEL AND THE OCCUPIED TERRITORIES

@'ABD AL-RA'UF GHABIN - ADMINISTRATIVE DETENTION

On 22 October 1990, 'Abd al Ra'uf Ghabin was issued with a six-month administrative detention order. He is currently held in the Ketziot detention centre in southern Israel

'Abd al-Ra'uf Ghabin (ID number 96594055 or 96595055) is a 32-year-old book-shop owner and journalist from the Beach Refugee Camp in the Gaza Strip. He was arrested on 30 August 1990 and taken to Gaza Central Prison. After 18 days he was brought before a judge, without the presence of a lawyer, and his detention was extended by 70 days. He was not allowed to see a lawyer until 24 September 1990. On 28 September 1990 he was visited by another lawyer to whom he alleged that he had been deprived of sleep for three weeks, with breaks only at weekends, and that three or four times he had been beaten on his face, abdomen and genitals, usually with fists. He said he was beaten on the head with a plastic stick.

'Abd al-Ra'uf Ghabin was apparently interrogated about membership of the Popular Front Liberation of Palestine (PFLP) (a faction of the Palestine Liberation Organization) and the distribution of leaflets. According to his lawyer, 'Abd al-Ra'uf Ghabin has denied all these accusations.

In October 1990, 'Abd al-Ra'uf Ghabin was transferred to Ramallah prison on the West Bank, then to Ashkelon prison inside Israel, and finally back to Gaza. On 22 October 1990 he was issued with a six-month administrative detention order.

'Abd al-Ra'uf Ghabin appealed against his order. The non-classified evidence revealed to 'Abd al-Ra'uf Ghabin and his lawyer alleged that he is a member of the PFLP, and that he distributed leaflets. At the appeal hearing held on 26 December 1990 his order was reduced by nearly two months. He is now due for release on 22 February 1991.

'Abd al-Ra'uf Ghabin was detained for five weeks two years earlier for his role in the filming of a television documentary about the Gaza Strip.

Amnesty International does not have enough information to determine whether 'Abd al-Ra'uf Ghabin 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 'Abd al-Ra'uf Ghabin, may not have been given an adequate opportunity to exercise effectively his right to challenge it. It believes that unless he is given that opportunity he should be released without delay.

Amnesty International is also concerned about the allegations of torture of 'Abd al-Ra'uf Ghabin, and is calling for them to be investigated swiftly and impartially, and for anyone found to be responsible to be brought to justice. The results of any such investigation should be made public.

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. They 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 should 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.