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ISRAEL AND THE OCCUPIED TERRITORIES

WAFIQ SHEHADEH MURDI ABU SIDDU - PRISONER OF CONSCIENCE

HELD IN ADMINISTRATIVE DETENTION

Wafiq Shehadeh Murdi Abu Siddu (ID number 902685767, prisoner number 54454) was issued with a six-month administrative detention order on 26 November 1990. He is currently held in the Ketziot detention centre in southern Israel.

Wafiq Abu Siddu is a 28 year-old from the Rimal quarter in Gaza City. He has worked for the Palestine Human Rights Information Centre since 1986 and is responsible for coordinating the monitoring and documentation work of the Centre's workers in the Gaza Strip. He holds a Teacher's Diploma and completed a summer course in journalistic writing at Bir Zeit University in 1986 before joining the Palestine Human Rights Information Centre. He is an active member of the Arab Journalists Association. Wafiq Abu Siddu was married in April 1990.

Wafiq Abu Siddu was arrested on 22 November 1990 from his home in the Rimal quarter of Gaza. Earlier the same day, he had attended a sit-in at the offices of the Arab Journalists Association in Jerusalem, protesting the detention of over 26 Palestinian journalists, including the Association's President, Radwan Abu 'Ayyash. He was issued with a six-month administrative detention order dated 26 November 1990.

Wafiq Abu Siddu has been arrested and interrogated on several occasions. He was detained between 31 December 1984 and 7 February 1985. On 20 February 1990 he and two co-workers from Gaza were arrested near Damascus Gate in East Jerusalem as they were driving in his car to the Palestine Human Rights Information Centre office. All their materials were confiscated and the car was impounded. They were interrogated and held for nine hours.

Wafiq Abu Siddu has appealed against his administrative detention order. At the hearing which took place on 27 December 1990 at the Ketziot detention centre, the General Security Service representative apparently confirmed to Wafiq Abu Siddu's lawyer that Wafiq Abu Siddu had not been involved in violence. The representative also reportedly confirmed that Wafiq Abu Siddu's human rights work had been a factor in the

decision to place him in administrative detention. The judge reduced the length of the order by one-and-a-half months.

Amnesty International believes on the basis of available information, that Wafiq Shehadeh Murdi Abu Siddu is a prisoner of conscience, detained solely on account of non-violent political and social activities with his community. It therefore calls for his immediate and unconditional release.

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 12,000 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.