

EXTERNAL (for general distribution)

AI Index: MDE 15/11/91

Distr: GR/CO/REL SC

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13 March 1991

**ISRAEL AND THE OCCUPIED TERRITORIES**

**@NAYEF 'ALI NAYEF SWEITAT - ADMINISTRATIVE DETENTION**

Nayef Sweitat (ID no. 93179596), was arrested by soldiers from his home on 8 February 1991 and later issued with a six-month administrative detention order. He is currently held in al-Fara'a detention centre in the West Bank, but is expected to be transferred to the Ketziot detention centre in southern Israel shortly.

Nayef Sweitat is a 34-year-old journalist from Jenin in the West Bank. He is the Jenin correspondent for the Arabic language newspaper al-Sheib, published in East Jerusalem. His first wife died in an accident in 1985 and he has since married again. He has a five-year-old daughter from his first marriage. This is the fifth time he has been issued with an administrative detention order.

Nayef Sweitat has been detained several times in the past. He was sentenced to seven years' imprisonment in 1975 for membership of al-Fatah, a branch of the Palestine Liberation Organization. He was released in 1981.

In October 1983 Nayef Sweitat was sentenced to nine months' imprisonment on charges of making contact with an illegal organization. In May 1985, while he was president of Bir Zeit University Student Council, he was detained for 17 days and then released without charge. He was rearrested on 25 December 1985 and issued with a six-month administrative detention order. An appeal against this order was rejected on 22 February 1986.

In the period 1986-87 Nayef Sweitat was arrested four times and held each time for a period of 18 days. Three days after his release from his fourth detention he was issued with a six-month town arrest order. This was renewed on expiry for a further six months. On 15 March 1988, before the expiry of his second town arrest order, he was arrested and administratively detained for six months. This order was renewed on expiry and he was released on 21 March 1989.

On 12 November 1989 he was rearrested and issued with a one-year administrative detention order. He appealed twice against this order. At the first appeal on February 1990 the

non-classified evidence revealed to Nayef Sweitat and his lawyer alleged that he was a senior activist in al-Fatah. The appeal was rejected and the order was confirmed. At his second appeal held on 14 May 1990 there was no fresh evidence presented to the judge. In his decision the judge said that both the classified and non-classified material contained "clear, convincing and unequivocal evidence indicating that the appellant is a senior activist in the Fatah organization." He said that he concluded Nayef Sweitat's activity was prolonged and extensive and the damage his release might cause was obvious. The judge said he found no reason to shorten the detention period, and confirmed the order for one year.

Nayef Sweitat was released on 11 December 1990. On 8 February 1991 he was rearrested and was later issued with another six-month administrative detention order. His lawyer does not yet know the reasons for his detention.

Amnesty International does not have enough information to determine whether Nayef Sweitat 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 Nayef Sweitat may not be 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 up to six months, renewable. 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 have included students, 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.