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# *amnesty international*

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## ISRAEL AND THE OCCUPIED TERRITORIES

### Nayef 'Ali Nayef Sweitat - Prisoner of Conscience

**JUNE 1992**

**AI INDEX: MDE 15/15/92**

**DISTR: SC/CO/GR**

Nayef 'Ali Nayef Sweitat (ID no. 931795967, prisoner number 92-01235) from Jenin Refugee Camp on the West Bank was arrested by members of the Israeli Border Police on 30 April 1992. He was first taken to the Jenin military compound, and later transferred to al-Fara'a detention centre, where he was issued with a six-month administrative detention order. He was then taken to the Ketziot detention centre in southern Israel where the majority of administrative detainees are held. He is accused of being a senior activist in *al-Fatah* (a faction of the Palestine Liberation Organization).

Nayef Sweitat is a 35-year-old journalist for the Arabic language newspaper *al-Sha'b*, published in East Jerusalem. He also owns the Hittin Press Service in Jenin Refugee Camp. He married in 1983 and had a daughter, but his wife died in a car accident in 1986 during one of his previous periods of imprisonment. He has since married again. His second child was born about a week after his most recent arrest. In 1987 he graduated in Middle Eastern Studies from Bir Zeit University, where he was a president of the Bir Zeit Student Council. In early 1992 he was appointed as an adviser to the Palestinian delegation to the fourth round of the Middle East peace negotiations, but the Israeli authorities did not allow him to leave the Occupied Territories.

Nayef Sweitat has appealed against his administrative detention order. The appeal was first scheduled to be heard on 20 May 1992, but was postponed for one week as no judge was able to attend. On 27 May, the appeal hearing was again postponed, as his file was not produced by the General Security Service.

Nayef Sweitat has given his lawyer the following statement:

"From November 1991 I have supported the peace process with all my heart and might. My position has been clear cut... I joined the 'political committees' in Jenin, whose purpose were to support the peace process, to explain to people the importance of talks and dialogue to replace violence and bloodshed. When I was given to understand that the committees were illegal, I left them, and declared [my leaving] publicly."

In his statement Nayef Sweitat describes how he had been asked to visit the military commander of the Jenin area the day after his declaration had been printed in the press. He says he told the commander that he had left the committees because he did not want to go back to prison. The commander then apparently told him that the committees' activities were not illegal, and encouraged him to continue his work in them, and to tell people that the peace process required patience and that no quick results should be expected. Nayef Sweitat then continued:

"I remained a peace activist and was later appointed as an adviser to the Palestinian delegation to the fourth round of the peace talks. I was asked to leave for Jordan to travel to the USA on 22 February 1992, but I was stopped on the bridge [between the West Bank and Jordan] and was returned without any explanation. In a way I was glad personally as my wife was pregnant with her first child, and I wanted to wait by her side for the baby. I never imagined what was in store for me."

Nayef Sweitat denies membership of *al-Fatah* or of the *Shabiba* (a youth organization affiliated to *al-Fatah*). He points out that during his numerous arrests during the *intifada* he has never been interrogated about membership of these organizations, or charged and tried, and that he has not been incriminated in the confessions of any other alleged activist.

### **Previous arrests**

Nayef Sweitat has been imprisoned on numerous occasions in the past. In 1975 he was sentenced to seven years' imprisonment for membership of *al-Fatah*. He was released in 1981. In May 1983 he was detained for 17 days while he was President of the Bir Zeit Student Council. In October 1983 he was sentenced to nine months' imprisonment on charges of making contact with an illegal organization.

He was arrested again on 25 December 1985 and placed under six months' administrative detention, which was reduced to four months on appeal. In 1986 and 1987 he was arrested several times for short periods and was released without charge. Upon his graduation from university in 1987 he was placed under house arrest in Jenin for six months, which was extended to one year. On 15 March 1988, a few days before the town arrest order was due to expire, he was placed in administrative detention for six months,

which was renewed on expiry for a further six months. He was released on 21 March 1989.

On 12 November 1989 he was arrested again, and issued with a one-year administrative detention order. His appeal against this order was rejected, the judge stating that the classified evidence which could not be revealed for security reasons contained

"clear, convincing and unequivocal evidence indicating that the appellant is a senior activist in the Fatah organization. The appellant is party to widespread activities which may indicate his senior position and the extent of his influence on events in the Jenin region and even beyond. The extent and character of the appellant's activity, his position and, in addition, his determination to promote the objectives of the organization of which he is a member lead us to the conclusion that the appellant's hostile activity is prolonged and extensive."

He was released on 11 November 1990.

Nayef Sweitat was once more rearrested on 8 February 1991 during the Gulf war. He was later issued with a six-month administrative detention order which was reduced to four-and-a-half months on appeal. He was released on 30 June 1991.

### **Amnesty International's concerns**

Amnesty International acknowledges that various Palestinian groupings including *al-Fatah* do advocate violence against Israel and have carried out acts of violence. However it does not consider that membership of or association with the PLO or one of its factions is in itself conclusive evidence that a certain individual has used or advocated violence. In determining whether an individual is a prisoner of conscience, Amnesty International looks into whether the individual personally used or advocated violence in the circumstances relating to his or her arrest. In other words, it examines any specific opinions or acts attributed to the person in question beyond mere membership of the organization.

Amnesty International notes in this case that the Israeli authorities have not provided any evidence to either Nayef Sweitat or his lawyer about the activities he is alleged to have carried out on behalf of *al-Fatah* or even to prove his alleged membership. Nayef Sweitat has denied membership of *al-Fatah* and points out that since the start of the *intifada* he has never been interrogated about his alleged activities in that organization. Amnesty International also notes that at no point has he been referred to as someone who used or advocated violence. He has declared openly his commitment to a peaceful solution of the Israeli/Palestinian conflict.

On the basis of the available evidence, Amnesty International believes that Nayef Sweitat is a prisoner of conscience, held only for his non-violent political opinions or activities. He should be released immediately and unconditionally.

### **Administrative detention in Israel and the Occupied Territories**

Since the end of 1991, in the Occupied Territories (except for East Jerusalem), administrative detention orders can be issued by military commanders for a period of up to six months, after which they may be indefinitely renewed for further periods of up to six months. Detainees have no access to any judicial review until they lodge an appeal and the appeal hearing begins; this often takes place several weeks or sometimes months after arrest. Even then, detainees and their lawyers are provided with insufficient information about the grounds for arrest to enable them to effectively challenge the detention order. The grounds for detention are generally formulated in a very broad manner and appeals against administrative detention orders are in the majority of cases rejected.

Amnesty International opposes the detention without a fair trial within a reasonable time of all political prisoners, including administrative detainees. It believes that the practice of administrative detention in Israel and the Occupied Territories violates fundamental human rights. It should not be used as a substitute for, and a means of avoiding the safeguards of, a criminal justice system.

Amnesty International is urging that all administrative detainees held on account of their non-violent political opinions or activities, like Nayef Sweitat, be released immediately and unconditionally, and that the others be released unless they are to be given a fair and prompt trial.

**KEYWORDS:** PRISONERS OF CONSCIENCE1 / ADMINISTRATIVE DETENTION1 / JOURNALISTS / REFUGEES / POLITICAL ACTIVISTS / PEACE ACTIVISTS / REARREST / POLITICAL VIOLENCE / PHOTOGRAPHS /