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Israel and the Occupied Territories

@Husnia 'Abd al-Qader - administrative detention

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Husnia Dawud Mahmud 'Abd al-Qader was arrested on 9 April 1992 and later placed under administrative detention for six months, based on allegations that she is active within *al-Fatah* (a faction of the Palestine Liberation Organization). She is currently held in HaSharon (Tel Mond) Prison. She is the only female administrative detainee in Israel and the Occupied Territories.

Husnia 'Abd al-Qader (ID number 95133971) is a resident of the Balata Refugee Camp near Nablus in the West Bank, where she is active in Palestinian women's committees, organizing kindergartens and sewing groups. Her state of health is reportedly poor; she apparently suffers from hypertension, heart disease and spinal disc problems.

According to a statement given to a lawyer on 23 April, Husnia 'Abd al-Qader was arrested after midnight on 9 April 1992 from her home in the Balata Refugee Camp where she was sleeping. She was taken in army vehicles to al-Jalameh detention centre where she was placed in the interrogation section. She says she was interrogated about provision of money and arms. She denied that she was involved in such activities.

During her interrogation she says she was kept in solitary confinement for several days and one night was left sitting hooded and shackled outside in the prison courtyard. At one point she was taken to the clinic, where a nurse apparently recommended that her

interrogation be stopped. On 15 April she was allowed to see a lawyer for the first time, and received a visit from her family on 21 April. She was later issued with a six-month administrative detention order and was transferred to HaSharon (Tel Mond) Prison.

Husnia 'Abd al-Qader appealed against her order. At a hearing held on 4 June 1992, the appeal was rejected and the order confirmed. The judge refused to reveal any of the classified evidence to Husnia 'Abd al-Qader or her lawyer. The judge also ordered that Husnia 'Abd al-Qader should receive medical treatment. She is due for release on 5 October 1992.

Previous detentions

Husnia 'Abd al-Qader has been placed in administrative detention twice before: between April and October 1988, and again between October 1989 and April 1990. At an appeal against her second order, the non-classified evidence stated that she was a senior *Fatah* activist who was actively engaged in organizing womens' committees in the West Bank. It alleged that she participated in *al-Fatah* activities in the district, worked to further the aims of the organization and that her activities contributed to the increase of violence in the district. At the appeal, the only classified evidence revealed by the judge alleged that she had organized demonstrations in June 1989.

On questioning by Husnia 'Abd al-Qader's lawyer, the representative of the General Security Service (GSS) reportedly admitted to not knowing the dates of the demonstrations in which Husnia 'Abd al-Qader was alleged to have participated, nor whether these demonstrations had ended in violent clashes. The GSS representative apparently argued that such demonstrations always ended in violence and stated that Husnia 'Abd al-Qader's activities contributed to strengthening violent activities in the Balata area.

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 Husnia 'Abd al-Qader or her lawyer about the activities she is alleged to have carried out on behalf of *al-Fatah* or even to prove her alleged membership. No evidence has been provided to suggest that Husnia 'Abd al-Qader has personally used or advocated violence. The lack of evidence has prevented her from exercising effectively her right to challenge the order.

Amnesty International is concerned that Husnia 'Abd al-Qader may be a prisoner of conscience, detained solely for her non-violent political opinions or activities. If so, she should

be released immediately and unconditionally. Otherwise she should be released if she is not to be charged with a recognizably criminal offence and given a fair and prompt trial.

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 be released immediately and unconditionally, and that the others be released unless they are to be given a fair and prompt trial.

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