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£ISRAEL AND THE OCCUPIED TERRITORIES

@MUHAMMAD SALEH HUSAYN NATUR -

ADMINISTRATIVE DETENTION

Muhammad Saleh Husayn Natur (ID number 94747532, prisoner number 52817), is 41 years old and comes from Gaza City. He was arrested on 26 June 1990 and later issued with a six-month administrative detention order which was renewed for a further six months on expiry so that he is now being detained until 25 June 1991. He is currently held in Ayelon (Ramleh) Prison in Israel to which he was transferred on 17 April 1991, from the Ketziot detention centre in southern Israel.

Muhammad Natur apparently suffers from mental illness. He was taken for a psychiatric examination in Soroka Hospital in Beer Sheba on 15 January 1991 soon after his six-month detention order was renewed. In her report, the psychiatrist who examined him apparently said that he was afflicted with extreme depression, hallucinations and other phenomena which could be interpreted as psychotic. She said that he was intelligent, well-educated, sensitive, responsible and credible, and that the influence of his continued detention could be irreversible.

Muhammad Natur's appeal against his first administrative detention order was rejected. The only evidence revealed to Muhammad Natur and his lawyer at the time apparently alleged that he was an activist in al-Fatah (a branch of the Palestine Liberation Organization) and that during a visit to Egypt he has met a Palestinian who had been deported from the Occupied Territories and who was alleged to be involved in dangerous activities. All other evidence was classified as secret and was not revealed to Muhammad Natur or his lawyer.

Muhammad Natur also appealed against his second administrative detention order. At this appeal hearing held on 7 March 1991 in the Ketziot detention centre, the non-classified evidence alleged that Muhammad Natur's release would be dangerous to the security of his lawyer but did not specify in what way.

His lawyer directed the attention of the judge to the psychiatrist's report which indicated that his continued detention could cause irreparable damage. The judge apparently felt unable to take a decision at the time on whether to confirm the detention order or not.

At another session of the appeal held on 10 April 1991, the judge apparently stated that Muhammad Natur should be released on 17 April if he had not been transferred to a more suitable place of detention. On 17 April 1991 he was transferred from the Ketziot detention centre to Ayelon (Ramleh) Prison in Israel, where there is a psychiatric wing.

Amnesty International does not have enough information to determine whether Muhammad Natur 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 concerned that Muhammad Natur may not have been 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.

Amnesty International is also seeking assurances that Muhammad Natur is receiving all medical treatment appropriate to his condition. If such medical treatment is not available to him while in detention, it believes that he should be released.

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.