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ISRAEL AND THE OCCUPIED TERRITORIES

@JAMAL 'ABD AL-HADI SA'ID NAKHLEH - ADMINISTRATIVE DETENTION

Jamal 'Abd al-Hadi Sa'id Nakhleh (ID no. 98582093) was arrested on 18 February 1991 and issued with a 12-month administrative detention order. He is believed to be held in the Ketziot detention centre in southern Israel.

Jamal Nakhleh is from the Jalazon Refugee Camp near Ramallah on the West Bank and is a student at Bir Zeit University. He was previously arrested on 6 December 1989 and reportedly spent twelve months in administrative detention. Amnesty International is not yet aware whether he has appealed against his detention order or not.

Amnesty International does not have enough information to determine whether Jamal Sa'id Nakhleh 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 Jamal Sa'id Nakhleh 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 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, 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 concerning the grounds for arrest 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 -- in accordance with internationally recognized safeguards for detainees' 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.