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ISRAEL AND THE OCCUPIED TERRITORIES

'IYAD 'ALI MUHAMMAD HADDAD - PRISONER OF CONSCIENCE

HELD IN ADMINISTRATIVE DETENTION

'Iyad 'Ali Muhammad Haddad (ID number 93941517) was issued with a four-month administrative detention order on 18 September 1990. He is currently held in the Ketziot detention centre in southern Israel.

'Iyad Haddad is a field worker with the human rights organization al-Haq. He was arrested in the middle of the night of 12 September 1990 and was taken to the Dhahiriya detention centre where he was later issued with a four-month administrative detention order. He was apparently transferred to the Ketziot detention centre at the end of September or beginning of October.

'Iyad Haddad appealed against his order. At a hearing held on 23 October 1990, the non-classified evidence presented against him stated that he participated in disturbances of the peace in June and July 1990. His lawyer asked for more details of the alleged disturbances. He was told that the June disturbance had allegedly been in Qadura Refugee Camp. The state representative was apparently willing to reveal the date of the disturbance, but this information could not be found in the file. The July disturbance was first said to have taken place in al-Bireh, but was later said to have taken place in Ramallah. The date was classified as secret evidence.

'Iyad Haddad strongly denied any involvement in disturbances. His lawyer explained to the appeal judge the nature of 'Iyad Haddad's human rights work, which included the fact that he sometimes may have to be near disturbances in order to observe events.

The judge reduced the order by one month and 17 days. In his summing up he apparently referred to the fact that 'Iyad Haddad had in front of him an avenue of human rights work within the law, and that he should be encouraged to work within the law.

'Iyad Haddad has been placed in administrative detention twice before, but has apparently never been charged or tried. He was first arrested on 18 October 1988 and released on 5 April

1989. He was then arrested again on 3 July 1989 and released on 3 January 1990. He believes that each arrest has been connected to his human rights work.

Amnesty International believes, on the basis of available evidence, that it is reasonable to conclude that 'Iyad 'Ali Muhammad Haddad is a prisoner of conscience, detained solely on account of his work for the human rights organization al-Haq. It is therefore calling for his immediate and unconditional release.

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. 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 Israel itself (ie excluding the Occupied Territories), administrative detention orders are issued by the Minister of Defence. 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. 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 12,000 Palestinians have spent some time in administrative detention. These included students, labourers, human rights workers, journalists, trade unionists and teachers. The vast majority have been held in harsh conditions in a military detention centre at Ketziot, in the desert of southern Israel.

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 over a month, 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.