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ISRAEL AND THE OCCUPIED TERRITORIES

SALAH HIKMAT TAHER AL-MASRI - ADMINISTRATIVE DETENTION

Salah Hikmat Taher al-Masri (ID number 93575761, prisoner number 4331) was issued with a six-month administrative detention order in September 1990. He is currently held in the Ketziot detention centre in southern Israel. This is the first time that he has been arrested.

Salah al-Masri is a 40-year-old industrialist from a prominent land-owning family in Nablus on the West Bank. He is married with three children under the age of eight. He has worked as the manager of the supply department of a company manufacturing vegetable oil in Nablus since 1987. Prior to this he managed a company in Saudi Arabia for 10 years. He is also a member of the Board of Trustees of al-Najah National University in Nablus.

Salah al-Masri was arrested on 2 September 1990 from his home in Nablus at 9.30pm by members of the security forces. The next day he was taken to al-Fara'a detention centre where he was apparently placed in isolation. He was visited by a lawyer after 16 days and apparently told them that he had not been interrogated. He was later issued with a six-month administrative detention order and transferred to the Ketziot detention centre.

Salah al-Masri appealed against his order. At a hearing held on 29 October 1990 the non-classified evidence alleged that he was a senior member of al-Fatah (a faction of the Palestine Liberation Organization). There was classified evidence that was not revealed to Salah al-Masri or his lawyer.

The judge rejected the appeal. In his summing up, he apparently said that he was convinced by the classified material that al-Masri was a senior activist in al-Fatah whose hostile activities had continued throughout a long period. The judge stated that his detention was necessary for the security of the area and confirmed the detention order.

Salah al-Masri has apparently denied that he has carried out any acts against the Israeli authorities and that he had acted in any capacity for al-Fatah. He does not know why he has been arrested, but has mentioned the fact that in 1988 he had been banned from travelling abroad unless he gave a commitment not to return

for at least five years which indicated to him that the authorities have been trying to pressure him into leaving the West Bank. The reason given for this travel ban was the allegation that he was a senior member of al-Fatah.

Salah al-Masri has a punctured lung resulting from a car accident in 1981. He has been monitored constantly by a medical specialist in Nablus.

Amnesty International does not have enough information to determine whether Salah al-Masri 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 Salah al-Masri, 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.

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 periods of up to six months, renewable. The orders 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 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 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 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.