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Israel must release or try Palestinian detainee on prolonged hunger strike

The Israeli authorities must release a Palestinian detainee or charge him with a recognizable criminal offence and promptly try him, Amnesty International said today amid fears the man could die in detention after more than 50 days on hunger strike.

Khader Adnan, 33, was arrested on 17 December 2011 at his home in the village of Arrabe near Jenin in the occupied West Bank, after Israeli security forces burst into his home in the early hours of the morning.

Mr Adnan, a baker, is allegedly affiliated with the Islamic Jihad movement.

On Wednesday a military court conducted a review of Khader Adnan's case but the judge has yet to announce the outcome - release, his detention shortened or the order confirmed.

"For years Israel has been using administrative detention to lock up Palestinian activists without charge or trial, said Ann Harrison, Amnesty International's Deputy Director for the Middle East.

"Military commanders can renew the detention orders repeatedly, so in effect detainees can be held indefinitely. The process violates their right to a fair trial which is guaranteed by international law Israel is obliged to uphold."

Khader Adnan, who is also a post-graduate student, has been on hunger strike since 18 December in protest against his ill-treatment, the conditions of his detention, and the policy of administrative detention.

The Israeli military commander in the West Bank imposed a four-month administrative detention order on him last month.

The baker has been hospitalized since 30 December as his health deteriorated. He has not been allowed any family visits and the Israeli authorities have since moved him to various different hospitals around the country.

He was transferred to Ziv hospital in northern Israel on Sunday, in a move which his lawyers believe is intended to add further pressure on him, including by making it harder for his lawyers and family to visit him.

"The Israeli authorities must release Khader Adnan and other Palestinians held in administrative detention, unless they are promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards," Ann Harrison added.

He has reportedly lost more than 20 kilos since he began his hunger strike, and his health has reached a

critical stage. On 29 January, he was visited by doctors from Physicians for Human Rights – Israel, who gave him a medical check and warned that his life is at risk. He has since been denied further examination by independent doctors.

His hunger strike has prompted demonstrations in the West Bank and Gaza Strip, and last week other Palestinian prisoners in Israeli jails announced a hunger strike in solidarity.

Administrative detention, a procedure under which detainees considered a threat to Israeli security are held without charge or trial for periods of up to six months, can be renewed indefinitely.

No criminal charges are filed against administrative detainees and there is no intention of bringing them to trial.

Detainees are held on the basis of “secret evidence” which the Israeli military authorities claim cannot be revealed for security reasons.

The “secret evidence” on which the military authorities base their decision to issue an administrative detention order is not made available to detainees or their lawyers, and detainees cannot challenge the reasons for their detention.

According to Israel’s prison service some 307 Palestinians were being held in administrative detention on 31 December last year, but this number may have since increased.

Twenty-one members of the Palestinian Legislative Council are currently being held in administrative detention.

Amnesty International believes that the practice of administrative detention in Israel and the Occupied Territories violates the internationally recognized right to a fair trial which must be upheld for all detainees, even during states of emergency.

“Israeli military law applied in the Occupied Palestinian Territories gives the authorities wide latitude to charge and try in military courts those individuals who they believe threaten Israeli security,” said Ann Harrison.

“Despite this, the Israeli authorities continue to use administrative detention to detain Palestinians without any charges whatsoever. These have included individuals who should not have been arrested at all and were prisoners of conscience.

“Anyone now held solely for the non-violent exercise of their right to freedom of expression, association and assembly must be released immediately and unconditionally.”