

EXTERNAL (for general distribution)

AI Index: MDE 15/36/91
Distr: GR/CO/REL SC

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1 July 1991

ISRAEL AND THE OCCUPIED TERRITORIES

@SALAH IBRAHIM SALAH 'IYAD - ADMINISTRATIVE DETENTION

Salah Ibrahim Salah 'Iyad (ID no. 95955584, prisoner number 20743) a 40-year old trade unionist from Abu Dis in East Jerusalem, was issued with a 10-month administrative detention order on 17 February 1991. He is currently held in the Ketziot detention centre in southern Israel.

Salah 'Iyad is the director of the Abu Dis Water Society and a member of the Executive Committee of the Federation of Trade Unions in the Occupied Territories. He was arrested on the evening of 13 February 1991 by members of the Israeli security forces who came to his house in Abu Dis. He was taken to a military centre in Bethlehem where he was held for eight days after which he was transferred to the Dhahiriyyah detention centre near Hebron (al-Khalil) where he was issued with a 10-month administrative detention order dated 17 February 1991. On 15 March he was taken to the Ketziot detention centre where the majority of administrative detainees from the Occupied Territories are held.

Salah 'Iyad appealed against his administrative detention order. At a hearing held on 29 April 1991 the only non-classified evidence revealed to Salah 'Iyad and his lawyer referred to his previous periods of detention, and stated that he was a senior activist in the Democratic Front for the Liberation of Palestine (DFLP) (a faction of the Palestine Liberation Organization) who "acts vigorously to enhance the aims of the organization". The state representative confirmed that Salah 'Iyad was not engaged in activities which broke the peace, that he did not personally participate in any violent activities, and that he did not instruct other people to carry out violent activities.

Salah 'Iyad testified at his appeal. He apparently clarified his work as a trade unionist in his village, where he has been the chairman of a cooperative since 1985. He stated that he had connections with the Histadrut (the Israeli Trades Union Federation), the Jerusalem Workers' Council, as well as political connections with certain Israeli political parties and members of the Knesset (parliament) (known as MKs). He also stated that following his release from administrative detention in 1990, he participated in a meeting with several MKs, from which a statement concerning the Middle East peace process was issued.

In his decision, the military appeal judge reportedly said:

"In view of the nature of the appellant's activity which ... apparently has no direct link to an organization of hostile terrorist activity, and since I am not convinced that the relevant authorities are unable to carry out an overt investigation of the appellant in an attempt to bring him to trial, I have decided to reduce the administrative detention order by three months."

Salah 'Iyad is now due for release on 12 September 1991.

Salah 'Iyad has been arrested and detained previously on several occasions, although according to Amnesty International's information, he has never been convicted of any offence. In 1984 he was arrested and interrogated for 18 days after which he was released without charge. He spent six months under administrative detention between 2 September 1985 and 2 March 1986. The reasons given for that detention were that he was "a leading activist in the Popular Democratic Front (ie the DFLP) in his village, who had also recruited others to join the organization". In January 1987, Salah 'Iyad was placed under town arrest, restricting him to Abu Dis. On 16 September 1987, he was issued with another

six-month administrative detention order. He was released in March 1988. In July 1989, he was rearrested and issued with a one-year administrative detention order.

On the basis of the available evidence, Amnesty International believes that Salah Ibrahim Salah 'Iyad is being detained solely on account of his non-violent trades union and political activities. It considers him to be a prisoner of conscience and is 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.

In Israel and East Jerusalem 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 (except for East Jerusalem), 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.