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ISRAEL AND THE OCCUPIED TERRITORIES

@DR RABAH HASAN 'ABD 'AL-'AZIZ MOHANNA - ADMINISTRATIVE DETENTION

Dr Rabah Hasan 'Abd al-'Aziz Mohanna (ID number 927726125) is a senior doctor from the Rimal area of Gaza City in the Gaza Strip. He was arrested on 29 October 1991 on the eve of the Middle East Peace Conference in Madrid, to which he had publicly stated his opposition. He is currently held in the Ketziot detention centre in southern Israel. He has never been arrested before.

Dr Rabah Mohanna, aged 42, is the Vice-President of the Arab Medical Association in Gaza. The president of the association was one of the Palestinian delegates to the Madrid peace conference. Dr Rabah Mohanna graduated in medicine from al-Azhar University in Cairo in 1973 and returned to the Gaza Strip to work in al-Shifa Hospital in Gaza, where he still works. He studied further in Egypt and Scotland. He is in charge of the diabetes program in the Gaza Strip. He is married with five children.

At approximately 10pm on 28 October 1991 Dr Rabah Mohanna received a phone call from the military headquarters in Gaza City requesting that he report there the following day. At 10am on 29 October Dr Mohanna went to the military headquarters where he had a brief meeting with the authorities before being arrested and taken to Gaza Central Prison. He was later transferred to the Beach Detention Centre where he was allowed to make a brief telephone call to his family to inform them of his detention.

Later on 29 October, Dr Mohanna's lawyer contacted the legal adviser of the Gaza Strip requesting to be informed of the legal basis for his client's detention, and to be allowed to visit him. The request for a visit was refused. On 30 October he was informed that Dr Mohanna had been issued with a six-month administrative detention order. The reason given on the order for his detention apparently alleges that Dr Mohanna is a prominent leader in the Popular Front for the Liberation of Palestine (PFLP) in Gaza. In early November he was transferred to the Ketziot detention centre. No date has yet been set for an appeal against his order.

Dr Mohanna has apparently said that he believes his arrest and detention to be the result of his publicly-stated opposition to the Madrid Peace conference. Dr Mohanna had apparently expressed his views on a number of different occasions, including to the Civil Administration in Gaza.

Dr Rabah Mohanna reportedly suffers from chronic calcular cholecystitis (gall stones), a duodenal ulcer and chronic bronchitis, for which he should receive medical attention.

Amnesty International does not have enough information to determine whether the sole reason for the arrest and detention of Dr Rabah Mohanna is his public opposition to the Madrid Peace Conference. If that is the case, he is a prisoner of conscience, detained solely on account of his non-violent exercise of the right to freedom of expression and association and should be released immediately and unconditionally. Otherwise he should be released unless he is charged with a recognizably criminal offence and given a fair and prompt trial.

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 15,000 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.

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International opposes the detention without a fair trial of all political prisoners, including administrative detainees. It 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 be released unless they are to be given a fair and prompt trial.

Amnesty International believes that administrative detention should not be used as a substitute for, and a means of avoiding the safeguards of, a criminal justice system.