

UA 174/00
2000Detention as hostages

22 June

ISRAEL/OT

Mustafa al-Dirani and Shaykh 'Abd al-Karim 'Ubayd

The Israeli government has recently adopted a draft law entitled "The Imprisonment of Combatants not Entitled to Prisoner of War Status". If passed, this law would undermine basic principles of international humanitarian law and enable the continued detention of Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani as hostages. The bill passed its first reading in the Knesset (the Israeli parliament) on 21 June 2000.

If passed, the draft law would allow the Chief of General Staff of Israel's armed forces to imprison indefinitely without charge or trial any person who is a member of a force fighting against Israel or who participates in hostile activities of such a force, if they are not entitled to prisoner of war status.

Amnesty International considers that Israel would be violating its obligations under the Geneva Conventions if this law were to be passed. These conventions provide comprehensive protection for victims of armed conflict. The draft law would dilute the protection given to civilians under the Fourth Geneva Convention by seeking to create a new category, described as "combatants who are not entitled to prisoner of war status." Such a category is unknown to international humanitarian law,

BACKGROUND INFORMATION

Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani were abducted by Israeli soldiers from their homes in Lebanon in 1994 and 1989 respectively. Since then, they have been held without charge or trial in administrative detention and incommunicado in an undisclosed place of detention. According to the Israeli government, Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani are being detained in return for information on Israeli soldiers who went missing in action in Lebanon in the 1980s.

The Israeli government has made it clear that this law is being adopted to ensure that Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani can continue to be detained as hostages. This is an attempt by the government to bypass the April 2000 ruling of the Supreme Court that Israeli law does not authorize the Minister of Defence to hold individuals in administrative detention in instances where that individual does not pose a threat to the security of Israel.

Amnesty International opposes the detention of political prisoners without a fair trial, including the holding of political prisoners in administrative detention. Amnesty International has also campaigned for many years on behalf of Israeli soldiers who have gone missing in action in Lebanon.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern that the draft law entitled "The Imprisonment of Combatants not Entitled to Prisoner of War Status" contravenes the fundamental principles of international humanitarian law and is contradictory to Israel's obligations under the Geneva Conventions;
- explaining that the four Geneva Conventions of 1949 provide a comprehensive regime for the protection of victims of war in international armed conflicts. Article 4 of the Fourth Geneva Convention makes it clear that if Israel detains persons who are not Israeli nationals during a conflict or occupation, they are entitled, subject to certain other exclusions related to nationality, to protection by the Fourth Geneva Convention unless they are protected by the Third Geneva Convention which regulates the detention of prisoners of war;

- urging the Israeli government to withdraw this draft law and Knesset members to vote against this law;
- reminding the Israeli authorities and Knesset members that AI is concerned about the fate of Ron Arad and other Israeli nationals who went missing in Lebanon during the 1980s and has campaigned on their behalf;
- calling for the immediate release of Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani, who are being detained as hostages.

APPEALS TO:

Knesset Member:

1-Mr Dan Meridor, MK
Chair of Foreign Affairs and Defence Committee
The Knesset
Kiryat Ben Gurion
Jerusalem 91950

Fax No.: +972 2 675 3100

Salutation: Dear Mr Dan Meridor

2-Mr Amnon Rubenstein, MK
Chair of Constitution, Law and Justice Committee
The Knesset
Kiryat Ben Gurion
Jerusalem 91950

Fax No.: +972 2 675 4193

Salutation: Dear Mr Amnon Rubenstein

3-Mr Avraham Burg, MK
Knesset Speaker
The Knesset
Kiryat Ben Gurion
Jerusalem 91950

Fax No.: +972 2 675 3199

Salutation: Dear Mr Avraham Burg

Ehud Barak
Prime Minister and Minister of Defence
Office of the Prime Minister
3 Kaplan Street
Hakiryat, Jerusalem 910071

Telegrams: Prime Minister, Jerusalem

Faxes: + 972 2 566 4838

Salutation: Dear Prime Minister

Yossi Beilin
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010

Fax No.:+972 2 628 5438

Salutation: Dear Minister of Justice

COPIES TO:

diplomatic representatives of Israel accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 August 2000.