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**ISRAEL AND THE OCCUPIED TERRITORIES**

**AHMAD HAZZA' AHMAD SHURYAYM - ADMINISTRATIVE DETENTION**

Ahmad Hazza' Ahmad Shuraym (ID number 996780235) was arrested on 1 October 1990 and later issued with a six-month administrative detention order. He is currently held in the Ketziot detention centre in southern Israel. This is his second period of administrative detention.

Ahmad Shuraym is 42 years old and lives in Qalqilia on the West Bank with his wife and young baby. He spent 20 years in prison from 24 August 1969 until 24 August 1989 on charges relating to a military operation carried out against Israel and of membership of al-Fatah, a faction of the Palestine Liberation Organization.

Ahmad Shuraym was arrested on the night of 1 October 1990 from his home in Qalqilia by members of the security forces. He was reportedly told by a soldier that he would be rearrested every time he was released from prison. He was taken to al-Fara'a detention centre. On 23 October he was moved to the Ketziot detention centre after having been issued with a six-month administrative detention order.

Ahmad Shuraym appealed against his order. At a hearing on 5 November 1990 in the Ketziot detention centre, the judge rejected the appeal, but reduced the detention period by about 12 days in order to take into account a discrepancy between the date of the order and the date on which it was signed. The non-classified evidence alleged that Ahmad Shuraym was a senior leader of al-Fatah who coordinated its activities in the Qalqilia area. There was no mention of any violent activities. There was also classified evidence not available to Ahmad Shuraym or his lawyer. The judge ordered that he be transferred to another prison with better medical facilities. According to Amnesty International's information, Ahmad Shuraym has been transferred to al-Fara'a detention centre on the West Bank in transit to Junayd prison.

During his long period of imprisonment, Ahmad Shuraym began to suffer from stomach ulcers and was operated on in 1982. On

his release from prison in August 1989 he was treated for anaemia at the Makassed Hospital in Jerusalem. He also underwent tests which indicated that he should undergo operations for his ulcers, for an epigastric hernia, for haemorrhoids, and for inflammation in both his ears.

On 5 September 1989 he was admitted to the hospital for haemorrhoidectomy. Soon afterwards he was treated for a recurrence of anaemia. He was admitted for a third time on 1 January 1990 and was operated on for his hernia. He was discharged on 6 January. On 20 January 1990 he apparently went to the out-patient clinic for follow-up of the operation and for treatment for anaemia. He was advised to rest for a month, and to return to the clinic in six weeks time.

On 22 January 1990 he was arrested. He was issued with a six-month administrative detention order on 6 February 1990. At the appeal hearing against this order on 28 March 1990, the non-classified evidence also alleged that he was a senior leader in al-Fatah. There was no mention of any violent activities. The order was confirmed, but the judge agreed that he should be moved to Junayd Prison in the West Bank where medical facilities are better. He was transferred there on 19 April 1990. He was released from administrative detention on 21 July 1990.

Amnesty International does not have enough information to determine whether Ahmad Hazza' Ahmad Shuraym 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 concerned that Ahmad Shuraym may not have been given an adequate opportunity to exercise effectively his right to challenge the detention order. It believes that unless he is given that opportunity he should be released without delay.

Amnesty International is also calling on the Israeli authorities to ensure that Ahmad Shuraym receives all necessary medical treatment.

#### 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 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 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 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.