

20 July, 2008

Administrative Detentions

- The Case of Dr. Ghassan Khaled, the law faculty of Al Najjah University, Nablus

- **Administrative detention is detention without charge or trial, and without informing the detainees or their lawyers of the charges against them. Moreover, neither they nor their attorneys are allowed to see the evidence.***

Administrative detention serves as a convenient tool of harassment by the Israeli regime to use against political activists and members of parliament, peace activists leading non-violent resistance to the occupation, students and other people who cannot be put to trial because of the lack of evidence against them.

In recent years, 8% of the political prisoners in Israeli jails have been administrative detainees. At present there are about 730 administrative detainees in Israeli prisons.

The iniquity of administrative detention is well illustrated by the case of Dr. Ghassan Khaled, for whom we ask your help. Please act now: disseminate this message and write letters to the authorities cited below.

Dr. Khaled was detained under administrative detention for six months. This period is due to end at the beginning of October 2008, but his arrest warrant may afterwards be renewed for additional periods of 6 months ad infinitum.

Dr. Ghassan Khaled: Personal details

Dr. Ghassan Khaled, 41, Id. 929191302, is a lecturer at Al Najjah University in Nablus. Though originally from the village of Jayyous, he lives and works in Nablus. He is a senior lecturer at the law faculty of Al Najjah University, in Nablus, specializing in international commercial law. He is married and a father of five: his oldest son is 8 years old, his youngest is 6 months. Dr. Khaled does not engage in politics. Rather, his dedication is to his work and to his family.

Dr. Khaled's father, Sharif Omar Khaled (Abu Azzam), has developed many liaisons with international and Israeli peace activists, being one of the popular leaders of the peace demonstrations against the Apartheid wall built on the land of Jayyous. His own fields – like most, in that area – are located in the western side of the wall, and he is required to present a permit in order to cultivate them. In October 2007 his permit was denied for unspecified "security reasons", and was renewed only after a strong public campaign at the beginning of 2008.

Legal status

Dr. Khaled was first arrested on the night of 16th January, 2008. For three weeks he was denied contact with his lawyer. He was interrogated under duress, and eventually was accused of "giving a service to an unauthorized body". The accusation is based on two allegations: it is claimed, first, that Dr. Khaled used to give financial aid to members of the kutla Isslamiya, Hamas' student movement; and secondly, that he gave permission to publish an academic article written by him in the journal "Mushkat al'Adalah", issued by law students at his university belonging to the Kutla Islamiya. Dr. Khaled's trial was set to 17th July. The prosecution wished to keep him in custody, but Khaled appealed and won. The military judge, Captain Azriel Levi, expressed his opinion that there was no real substance in the prosecution files. He noted that the GSS (General Secret Service; in Hebrew shabak) evidence relied on hearsay and that, according to Dr. Khaled's testimony, his article was published without his consent. There was nothing incriminating in the secret files as well. Dr. Khaled was released on bail; his family paid 30,000 NIS and he went home, awaiting his trial.

After less than a fortnight, on the night of 30th March, Dr. Khaled was re-arrested. The judge refused to keep him in custody, claiming that his previous release and the days he spent at home proved that there was no danger in letting him go. He told the prosecutors that unless they brought some incriminating material, Dr. Khaled should be released within 24 hours. This never happened; yet –

On 3rd April Dr. Khaled was declared an administrative detainee. A judge approved the detention for six months, until 2nd October 2008. Neither Dr. Khaled nor his lawyer was informed of the procedure in advance; only the GSS representatives and the prosecutors were present. They claimed that Dr. Khaled's previous release was "the system's fault", which was corrected after 12 days.

On 1st May, after an appeal to the military court was denied, Dr. Khaled appealed to the High Court of Justice. During the hearing, on 22nd May, his lawyer, Adv. Muhammad Abed, claimed that the intelligence reports, incriminating Dr. Khaled, were unfounded. He told the judges that during his interrogation by the GSS, Khaled's investigators attempted to convince him to admit that he belonged to the Hamas party. In return, they promised to omit any charges of military activity. One GSS investigator, "Arad", said that "had he admitted he belonged to Hamas, we might believe him; but since he denies everything, we cannot believe a word he's saying and therefore suspect he is involved in military activity". Another investigator, "Doron", threatened to "ruin his life" in case he does not cooperate. Adv. Abed concluded that the GSS interrogators were seeking revenge for Dr. Khaled's refusal to cooperate with them by formally advancing their suspicion of military activity and requesting administrative detention. Supreme Court judges Beinisch, Rivlin and Jubran were critical about the procedures leading to Khaled's arrest.

Yet on 1st June, they rejected his appeal. Their decision is concise: "Upon the petitioner's permission, we examined the secret files and found that we have no reason

to interfere with the decision. The petitioner is a Hamas activist who was involved in organizing a military activity that is dangerous for the area and as a result of this threat, his appeal is denied."

Dr. Ghassan Khaled was put under administrative detention in order to bypass the military judge's decision rejecting the military prosecutor's request to keep him in custody. The trial itself began on 17th July, at the military court in Salem. Due to a mistake, no witnesses were summoned. The judge, Major Dalia Kaufman, proposed a date at the end of September for the next hearing. She argued that "we are not limited in time because the accused is not in custody with regards to the present case", despite the "unrelated" fact that he is kept in administrative detention. The next hearing was eventually set to 25th August.

At the moment Dr. Khaled is incarcerated in Megido prison.

*For more on administrative detention see

<http://www.btselem.org/English/Administrative%5FDetention/>

A very similar case to that of Dr. Khaled, Abu Azzam's son, is that of Mousa Abu-Maria from Beit-Omar. Mousa is a peace activist, one of the founders of the Palestine Solidarity Project, and a leading figure within the organizers of the nonviolent demonstrations against the Apartheid wall. Like Dr. Khaled, Mousa Abu-Maria got the status of administrative detainee after the military prosecutors admitted in writing that they had not enough material for putting him on trial. He is accused of being a senior member of the Islamic Jihad. His appeal, too, was rejected. His lawyer, Adv. Gaby Lasky, has now appealed to the High Court of Justice, claiming that if Abu-Maria is indeed so senior, it is improbable that this alleged "seniority" cannot be proven and supported by open evidence. She also argues that the frequency of the use of administrative detention raises severe doubts concerning the way they are monitored by the judicial level.

Birzeit University opened a campaign against the administrative detentions of many of its students, focusing, at the moment, on the case of Omar Kassis, who was put on detention last March for three months. For details, see

<http://right2edu.birzeit.edu/news/article546>

The Israeli Association for the Palestinian Prisoners wishes to bring Dr. Khaled's case, as well as those of Abu-Maria and Kassis, into public attention – in order to awaken the international committee to the horrors and injustices caused by the procedure of administrative detention in general.

Please write to your representatives at parliament or congress, asking them to demand that Israel either release all administrative detainees or allow them a just trial. Please write also to the Israeli embassy in your country, protesting Israel's abuse of human rights with regard the administrative detainees.

The Birzeit campaign advises to write to **the International Bar Association (IBA)**, asking its members and Human Rights Institute to put pressure on the Israeli Bar Association to ensure that all subjects under Israeli jurisdiction be granted the basic principles of rule of law - transparent processes which do not allow for arbitrary justice or governance - to which the IBA's Human Rights Institute (HRI) claims to be dedicated:

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More info:

The Public Committee against Torture in Israel is currently investigating Dr. Khaled's complaints about the conditions under which he was put during his arrest and interrogation. According to his friends, he was tied for long hours to a small chair, his interrogation lasted about 20 hours a day, during which he was not allowed to eat or pray.

Ha'aretz reporter Meron Rapoport wrote about the systematic abuse that Dr. Khaled's father suffered:

<http://www.palsolidarity.org/main/2007/09/05/haaretz-the-fruits-of-his-efforts-lie-on-the-wrong-side-of-the-separation-fence/>