

# « The Observatory : Israel : New extension of the administrative detention of Mr. Ziyad Muhammad Shehadeh Hmeidan (one of Al-Haq fieldworkers) »

5 décembre 2006

## URGENT APPEAL - THE OBSERVATORY

New information

ISR 001 / 0605 / OBS 039.7

Arbitrary detention - Israel  
November 21, 2006

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in Israel.

New information :

The Observatory has been informed by Al-Haq, a Palestinian human rights NGO, that the administrative detention of Mr. Ziyad Muhammad Shehadeh Hmeidan, one of Al-Haq fieldworkers, was again extended.

According to the information received, on November 14, 2006, Mr. Hmeidan was informed of a new administrative detention extension order in his case for four more months, effective from November 19, 2006 until March 18, 2007. Mr. Ziyad Hmeidan, who has been arbitrarily detained at the Moscobiyya Detention Centre since May 23, 2005, without any official charge, was due for release on November 19, 2006 (See background information).

On November 20, 2006, a review hearing took place, during which the extension of Mr. Hmeidan's administrative detention was confirmed on the basis of the same previous "secret evidence".

Indeed, the Observatory recalls that the Israeli authorities have justified Mr. Ziyad Hmeidan's detention on the basis of "secret evidence" that has not been disclosed to either Mr. Hmeidan or his lawyer, effectively rendering it unchallengeable in judicial proceedings and denying his right to a fair trial.

The Observatory considers that this new extension of his administrative detention is in flagrant violation of

article 9 of the International Covenant on Civil and Political Rights, to which Israel is party, which states, in particular, that “anyone who is arrested shall be informed, at the time of arrest, of the reasons of his arrest and shall be promptly informed of any charges against him”. They also contravene the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, which guarantees every person’s right “to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels” (article 1). Indeed, the Observatory fears Mr. Ziyad Hmeidan’s detention to be linked with his monitoring and documenting of violations of international human rights and humanitarian law in the Bethlehem area of the Occupied Palestinian Territories.

### **Background information :**

Mr. Ziyad Hmeidan was arrested on May 23, 2005, while he was trying to cross through Qalandiya, a checkpoint between Ramallah and Jerusalem. The Israeli soldiers entered his ID number into their computer, pulled him aside and placed handcuffs on him. His whereabouts remained unknown for a few days after he was put under arrest. Since May 27, 2005, Mr. Hmeidan had been kept at the Moscobiyya detention centre.

Mr. Hmeidan was due to appear before a military court of the Moscobiyya detention centre on May 31, 2005. However, the hearing was brought forward by the Israeli authorities to May 30, 2005. On that date, the judge ordered that Mr. Hmeidan be held for another 18 days for investigation. No charges were filed against him, but Israeli security officials indicated that there was a file on him, and there seemed to be discussions of “secret evidence”. On June 2, 2005, a lawyer tried to visit Mr. Hmeidan in Moscobiyya, but he was denied access.

On May, 30, 2005, an “Order Prohibiting Meeting with Counsel” was issued in his case, stating that Mr. Hmeidan was banned from meeting with legal counsel for eight days, starting on May, 30, 2005, and ending on June 5, 2005, on the basis of Military Order 378 of 1970. This order, and his subsequent administrative detention, were justified by security reasons, which have not been disclosed neither to Mr. Hmeidan nor to his legal counsel. According to the information received, Mr. Hmeidan was able to meet with his lawyer after this period of time.

On June 16, 2005, Mr. Hmeidan had a hearing before the Moscobiyya Military Court, as his detention period was due to expire that day. During the hearing, the prosecutor referenced that the Israeli authorities have a “secret file” of classified information about him. On this basis the judge then decided to issue a six-month administrative detention order for an indefinitely renewable period of six months, although no formal charges were brought against him, nor has the evidence supporting his detention made available to his lawyer.

On June 28, 2005, during the hearing of Mr. Hmeidan, the judge of the military court confirmed the six month administrative detention order that had been issued by the Deputy Military Commander. The judge stipulated that the time already spent in detention was to be included in the detention period.

On July 3, 2005, Mr. Hmeidan was transferred to the Ansar III Detention Centre located in the Naqab (Negev) Desert, outside the Occupied Palestinian Territories.

While his administrative detention was due to be completed on November 23, 2005, on November 14, 2005, the Israeli authorities informed him that they were renewing his administrative detention order for another six months.

On March 12, 2006, Mr. Ziyad Hmeidan was informed that his administrative detention will be extended for a further four-month period. Under a previously extended administrative detention order, Mr. Ziyad

Hmeidan was scheduled to be released on March 21, 2006. On May 10, 2006, the military judge decided to uphold the extension of Mr. Ziyad Hmeidan's administrative detention.

On July 6, 2006, the Observatory sent a mission of judicial observation to the hearing before the Israeli High Court in Jerusalem (Beit Mishpat Gavoha Le'Zedek - BAGATZ), following a petition by Al-Haq to the Court in order to appeal Mr. Hmeidan's administrative detention. Although the petition was ultimately withdrawn by Mr. Hmeidan's lawyer, the hearing illustrated several failings in due process.

On July 18, 2006, Mr. Hmeidan received a letter informing him that his administrative detention will be extended for a further four months. His current order was scheduled to expire on July 20, 2006. This new order was to expire on November 19, 2006. On July 26, 2006, the Ansar Military Court N°3 confirmed this further extension of Mr. Hmeidan's detention order.

### **Actions requested :**

Please write to the authorities in Israel urging them to :

- i. guarantee the physical and psychological integrity of Mr. Ziyad Muhammad Shehadeh Hmeidan, and in particular ensure that he is not subjected to torture or other cruel, inhuman or degrading treatment or punishment ;
- ii. order the immediate and unconditional release of Mr. Hmeidan, since his detention is arbitrary ;
- iii. comply with the provisions of the UN Declaration on Human Rights Defenders, in particular article 12(2), which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration" and above-mentioned article 1 ;
- iv. more generally, ensure in all circumstances the respect for human rights and fundamental freedoms throughout the country and the Occupied Palestinian Territories in accordance with international human rights instruments ratified by Israel, including the International Covenant on Civil and Political Rights and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Addresses :**

President of the Appeal Court for Administrative Issues Shlomi Kochav Administrative Court Section Ofer,  
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Mr. Ehud Olmert, Acting Prime Minister, Office of the Prime Minister, 3 Kaplan Street, PO Box 187, Kiryat Ben-Gurion, Jerusalem 91919, Israel. Fax : + 972 2 651 2631, E-mail : rohm@pmo.gov.il, pm\_eng@pmo.gov.il

Mr. Tzipi Livni, Minister of Justice, Fax : + 972 2 628 7757 ; + 972 2 628 8618

Mr. Yair Lotstein, Legal Advisor to the Israeli Army in the West Bank, Fax : 972 2 997 7326

Mr. Menahem Mazuz, Attorney General, Fax : + 972 2 627 4481 ; + 972 2 628 5438 ; + 972 2 530 3367

Ambassador Itzhak Levanon, Permanent Mission of Israel to the United Nations in Geneva, Avenue de la Paix 1-3, CH-1202, Geneva, Switzerland, E-mail : mission-israel@geneva.mfa.gov.il, Fax : +41 22 716 05 55

Ambassador Stefan Gohanneson, Embassy of Israel in Brussels, 40 avenue de l'Observatoire, 1180 Uccle, Belgium, Fax : + 32 2 373 56 17, Email : brussels@israel.org

Please also write to the diplomatic mission or embassy of Israel in your respective country.

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Geneva - Paris, November 21, 2006

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line :

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