

DECISION No. 18/1993 (ISRAEL)

Communication addressed to the Government of Israel on 6 November 1992.

Concerning: Walid Zakut, on the one hand, and the State of Israel, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Israel. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. Walid Zakut was allegedly arrested on 16 June 1992, pursuant to the issuance of a four-month administrative detention order. He is said to be held at the Ketziot detention centre in southern Israel. He is accused of being an activist in the Democratic Front for the Liberation of Palestine (DFLP). At the beginning of 1992 he was appointed as a member of the advisory committee to the Palestinian delegation to the fourth round of the Middle East peace negotiations. Walid Zakut had been imprisoned on a number of occasions in the past, in 1987 and between 1989 to 1991, for charges reportedly relating to his membership of the DFLP.
6. Walid Zakut has allegedly, during the period of his four-month detention, made a statement to his lawyer which indicates that at the beginning of the peace talks, while in prison, his opinion was that to participate in the peace talks was a step in the right direction. He states that his opinion was publicized in newspapers. He further states that since his release, all his activity was political, open and supportive of the peace process. He states that he has never practised violence nor called upon others to use it.
7. Accepting the fact that Walid Zakut is a member of the DFLP which advocates violence and carries out acts of violence, no evidence has been brought on record to establish even prima facie his direct or indirect complicity in specific acts of violence. There is nothing to suggest that he has ever advocated violence. Indeed his statement made to his lawyers is an

affirmation by him of his never having practised violence or advocated it. No specific acts have been attributed to Walid Zakut beyond mere membership of the DFLP. His administrative detention, even for four months, in these circumstances, is considered to be arbitrary.

8. None can doubt that Walid Zakut, in continuing his activities seeks to achieve certain political objectives. That he was a member of the advisory committee to the Palestinian delegation to the fourth round of the Middle East peace negotiations, bears testimony to his political objectives. The four-month order of detention was presumably issued not for his direct or indirect involvement in any specific acts of violence but for his opinions and non-violent activities. He has till date, in fact, never been told by the Israeli civil administration (in the Gaza strip) or by anybody else that his activities were illegal or undesirable.

9. The basis of the detention of Walid Zakut is the accusation that he is an activist member of the DFLP. In the absence of any specific material in support thereof, such detention cannot be supported in any legal basis. Membership of an organization cannot provide any legal basis for the detention of a person. For such detention to be upheld as a preventive measure it must be shown that the person concerned has committed, or is in the process of committing acts in furtherance of the objectives of the organization of which he is a member. Walid Zakut's detention is in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.

10. In the light of the above the Working Group decides:

The detention of Walid Zakut is declared to be arbitrary and cannot be supported on any legal basis. It is in contravention of article 9 of the Universal Declaration of Human Rights, and article 9 of the International Covenant on Civil and Political Rights and falling within category I of the principles applicable in the consideration of the cases submitted to the Working Group.

11. Consequent upon the decision of the Working Group declaring the detention of Walid Zakut to be arbitrary, the Working Group requests the Government of Israel to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 30 April 1993